

## **EMPLOYMENT MATTERS COMMITTEE**

**30 NOVEMBER 2022**

### **ORGANISATIONAL CHANGE**

Report from: Nicola Trainor, Head of Council Planning & Programmes

#### Summary

This report details new reorganisations of services and transfers under the TUPE regulations for the period 1 April 2022 to 30 September 2022 and updates on on-going reviews that have previously been reported at Employment Matters Committee but not concluded.

#### 1. Budget and policy framework

1.1 The staffing implications of organisation change are a matter for this Committee, which can decide on the employment policies and processes supporting any changes.

1.2 Directors may agree to reorganisations within their departments subject to there being:

- no significant service policy implications or clear departure from existing Council policies;
- no expenditure in excess of budget;
- no growth in net expenditure beyond the current year;
- no changes affecting Directors or Assistant Directors;
- consultation with the Head of HR.

#### 2. Background

2.1 This Committee considers new reorganisations of services and includes details of the transfer of staff to and from other employers under the TUPE regulations.

2.2 An update on on-going reorganisations that have been previously reported at Employment Matters Committee on 27 April 2022 are set out from paragraph 3 and are shown underlined. Reviews which have commenced and, in some cases, concluded since the last Committee are detailed from paragraph 4 onwards.

2.3 Whilst Members need to be apprised of all decisions taken in relation to early retirement and severance payments, it is important that any data provided does not risk individual employees being identified. Therefore, to avoid any breach of GDPR and in accordance with Section 40 of the Freedom of Information Act 2000 and Article 5 of the GDPR, this report will not release data that may identify individuals involved. This report can be cross referenced with the Early Retirement and Redundancy Payments report which details the financial costs of retirement and redundancy some of which is as a result of organisational change.

2.4 The Organisational Change report and the Early Retirement and Redundancy report are dealt with as a separate item on the agenda for this meeting.

### 3. Summary of ongoing Organisational Review consultations

3.1 All organisational reviews reported at EMC on 27 April 2022 had concluded. New organisational reviews are detailed in section 4.

### 4. Summary of new Organisational Change proposals

#### 4.1 **HIF / Future Hoo**

4.1.1 The Housing Infrastructure Fund (HIF) team are leading the delivery of a major infrastructure programme underpinned by the Homes England HIF grant of £170m. The HIF team has been in place for a number of years. The work of the team is steadily moving towards conclusion of the outline feasibility work and towards physical delivery. A restructure of the team has been undertaken to ensure the team are best positioned to address future challenges.

Formal consultation concluded on 19 October 2022. Potential for one redundancy.

#### 4.2 **Bikeability Service**

4.2.1 The Procurement Board of 20 July 2022 recommended the approval of the award of the Bikeability contract to a new provider, Outspoken Training. This contract was accepted on 11 August 2022. Work has been ongoing with the new provider to ensure a smooth transition of three staff, once a suitably comparable pension scheme has been sought. This is not likely to be in place, and therefore the staff cannot transfer, until 2023.

#### 4.3 **Education & SEND**

4.3.1 The Education and Special Educational Needs and Disabilities (SEND) Service are reviewing their operating structures to meet the changing demands of the Education and SEND landscape and the aspirations for change as set out in the Department for Education (DfE) White Paper on Education and Green Paper on SEND and Alternative Provision (AP).

- 4.3.2 The proposal is to have 2 Strategic Heads of Education, who will line manage the current Heads of Service. The Strategic Heads of Education will be instrumental in reviewing the existing structure and the development of the future design of services in accordance with the overall financial position. The capacity of the executive support function will also be increased to meet the increased demands.
- 4.3.3 Formal consultation concluded on the 23 September 2022. There will be no redundancies, in this restructure.
- 4.3.4 These are additional posts and will incur additional cost, which will be funded through the DGS High Needs Block funding. The costs for these posts have been included in the High Needs Deficit Recovery Plan, to build capacity to manage the safety valve delivery plan.

#### 4.4 **Maintained Schools**

- 4.4.1 Greenvale Primary School has reviewed and restructured their staffing (effective from September 2022) in line with the Financial Recovery Plan. The school is changing from 2 form entry infant to a 1 form all through primary. This took effect from September 2021 when the school reduced its Planned Admission Numbers (PAN) to 30. Therefore, a loss of 30 pupils per year which has resulted in a loss of funding. The delay in the schools' plan to expand into a primary school was due to a change in admission date for the first Year 3 (which was out of the school's control).
- 4.4.2 There were 3 school-based staff made redundant (voluntary or compulsory) and took early retirement as a result of this restructure.

### 5. Support for Staff

- 5.1 The Council recognises that change can be an unsettling time for everyone, and every effort is made to support staff. In addition to the individual meetings staff can have with their managers, the HR service provides support for affected employees and wherever possible we will help support the redeployment of individuals into new roles.
- 5.2 The Council's employee assistance provider, Care First, provides a free counselling and information line 24/7, 365 days a year. The Care First information line is managed by Citizens Advice Bureau trained advisers and can offer advice on a wide range of issues, which affect daily life such as employment, benefits, housing, debt etc.
- 5.3 We also encourage staff to talk to their Trade Unions to ensure that they get the necessary support. A Workplace Chaplain is also available to staff for support.

## 6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Loss of highly valued skills & knowledge	Should staff be made redundant then the council risk losing valued skills & knowledge	Redeployment of staff with transferrable skills	D3

Likelihood	Impact:
A Very high B High C Significant D Low E Very low F Almost impossible	1 Catastrophic (Showstopper) 2 Critical 3 Marginal 4 Negligible

## 7. Financial implications

- 7.1 The savings resulting from the various restructures have been reflected in the Council's revenue budget, with redundancy costs met from use of a dedicated severance reserve and from individual budget areas.

## 8. Legal implications

- 8.1 The proposed redundancies are being carried out in accordance with the Council's reorganisation procedure, and formal consultation with the trade unions and staff has taken place or is in the process of taking place.
- 8.2 The Council must ensure that the process for any proposed redundancies complies with the required statutory obligations to inform and consult employees both collectively and individually under Section 188 of The Trade Union and Labour Relations (Consolidation) Act 1992. The Council is also under a duty to inform the secretary of state under Section 193 of the above Act about proposed redundancies, where the relevant threshold has been met.
- 8.3 The process adopted must be in accordance with the Council's Organisational Change Policy (including redundancy) and comply with the general principles of fairness to minimise the risk of successful Employment Tribunal claims.

## 9. Recommendation

- 9.1 The Employment Matters Committee is asked to note the present position and the support arrangements for staff.

## Lead officer contact

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## Appendices

Appendix A – Summary of Reorganisation Activity

Appendix B – Summary of TUPE Transfers

## Background papers

None