

EMPLOYMENT MATTERS COMMITTEE

6 JUNE 2023

ORGANISATIONAL CHANGE

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Summary

This report details new reorganisations of services and transfers under the TUPE regulations for the period 01 October 2022 to 31 March 2023 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 30 November 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.
- 2.4 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 because of organisational change.
- 2.5 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 **Bikeability Service**

3.1.1 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 had been ongoing with the new provider to ensure a smooth transition of three staff, however in January 2023 after lengthy negotiations Outspoken Training advised they were not proceeding with the contract due to the costs associated with obtaining admission to the local government pension scheme.

3.1.2 Staff have remained in employment with Medway Council.

3.2 **HIF / Future Hoo**

3.2.1 The Housing Infrastructure Fund (HIF) team led the delivery of a major infrastructure programme underpinned by the Homes England HIF grant of £170m. The HIF team has been in place for several 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 was undertaken to ensure the team were best placed to address future challenges.

3.2.2 Formal consultation concluded on 19 October 2022, resulting in the deletion of three posts from the structure. Due to the unique skill set of the individual suitable alternative employment could not be found, which resulted in the redundancy of one individual.

3.3 **Public Health**

3.3.1 Kent County Council were not renewing the funding for the Kent & Medway Healthy Workplaces programme, 4 staff were on fixed term contracts, 3 with redundancy rights.

3.3.2 One staff member's contract was extended, one staff member secured another role, and one staff member was made redundant on 31 March 2023.

4. Summary of new Organisational Change proposals

4.1 **Benefits & Financial Welfare**

4.1.1 The Floating Support Team will be TUPEd in from (AMAT UK Charity) on 1 April 2023. Currently the team work in partnership with the Housing Team but the decision is that this team will be TUPEd into the Council's Benefits and Financial Welfare Team. There are six employees who will be TUPEd over. Consultation meetings concluded on 14 April 2023 and all six employees are due to transfer into the council, on Medway's terms and conditions, as of 1 April 2023.

4.2 **Housing**

4.2.1 Approval was received to commence a restructure of the Housing Service to align it with a Chief Officer structure, with a Strategic Service Manager and 3 x Service Manager posts. The Strategic Service Manager appointment was made in January 2023, recruitment adverts for 3x Service Manager posts closed 26 February 2023 and x3 appointments were made.

4.3 **Planning**

4.3.1 The planning service have started the process for a restructure of the service. Initial action has been to advertise and recruit to a Chief Planning Officer position who will then lead on the whole service restructure. Interviews for the Chief Planning Officer role are to be held on 14 April 2023 and consultation with staff to commence soon after.

4.4 **St Peters Infant School - Change to the Length of the School Day**

4.4.1 Following an information note in summer 2022 (publishing.service.gov.uk), it is an expectation of the DfE that: "state-funded mainstream schools should deliver a school week of at least 32.5 hours by September 2023". Ofsted have also included this expectation in their handbook. St Peters Infant School is currently delivering 30 hours per week so an additional 2.5 hours per week are required.

4.4.2 The Governing Body proposed to implement changes in respect of the change to the school day length by an increase of 2.5 hours per week with effect from 1 September 2023. The total number of affected staff is 8 x Teaching Assistants, 2 x Office staff (increase to contractual hours) and 2 x Cleaners (change to start/finish times only). Consultation with staff started on 28 February 2023 and ended on 29 March 2023.

4.4.3 The outcome of the consultation is that governing body will implement the change to lengthen the school day – the school day will be from 8.40am – 3.10pm from 1/9/23 and this will mean a small increase to some staff members weekly working hours.

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

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

Background papers:

None