

## **EMPLOYMENT MATTERS COMMITTEE**

**6 DECEMBER 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 April 2023 to 30 September 2023 and updates on on-going reviews that have previously been reported at Employment Matters Committee but not concluded.

#### 1. Recommendation

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

#### 2. Budget and policy framework

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

2.2 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 Chief Organisational Culture Officer.

#### 3. Background

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

- 3.2 An update on on-going reorganisations that have been previously reported at Employment Matters Committee on 06 June 2023 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.
- 3.3 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.
- 3.4 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.
- 3.5 The Organisational Change report and the Early Retirement and Redundancy report are dealt with as a separate item on the agenda for this meeting.

## 4. Summary of ongoing Organisational Review consultations

### 4.1 **Benefits & Financial Welfare**

- 4.1.1 The Floating Support Team were due to be TUPEd in from (AMAT UK Charity) on 1 April 2023. The team were working in partnership with the Housing Team, but the decision was made to TUPE them into the Council's Benefits and Financial Welfare Team. There were six employees due to be TUPEd over. Consultation meetings concluded on 14 March 2023.
- 4.1.2 Six staff transferred over on Medway Council's terms and conditions on 1 April 2023.

### 4.2 **Planning**

- 4.2.1 The planning service started the process for a restructure of the service. Initial action was to advertise and recruit to a Chief Planning Officer position which was confirmed following interviews on 14 April. Staff consultation commenced on 25 April 2023.
- 4.2.2 Formal consultation concluded on 17 May 2023, roles were available for everyone within the new structure and following a recruitment process for those at risk, all were either matched or redeployed within the new structure which was implemented on 1 July 2023. No redundancies were required.

## 5. Summary of new Organisational Change proposals

### 5.1 Housing Infrastructure Fund (HIF)

5.1.1 Following confirmation in July 2023 that Homes England and DLUHC were no longer funding the HIF programme, a reorganisation process started as the HIF team were at risk of redundancy, potential alternative roles were identified ahead of the start of formal consultation with affected staff members on 9 August 2023.

5.1.2 Formal consultation concluded on 29 August 2023 and following receipt of expressions of interest all affected staff were successfully job matched into suitable alternative roles elsewhere in the Council.

5.1.3 Staff commenced in their new roles as of 1 September 2023. No redundancies occurred.

### 5.2 Public Health

5.2.1 Proposals were submitted by Public Health to introduce two Strategic Service Manager posts in place of current senior structure., Three staff were identified as at risk and formal consultation commenced on 3 July 2023.

5.2.2 During consultation a request for voluntary redundancy was received. This was considered and accepted upon the conclusion of the consultation period on 16 July 2023.

5.2.3 Interviews for the two Strategic Service Manager posts were held on 4 August 2023 and the two remaining at risk staff were successful in these appointments. These new posts were implemented as of 7 August 2023.

5.2.4 The effective date of the voluntary redundancy is 17 October 2023. The associated figures of this redundancy will appear in the next EMC report.

### 5.3 Education & SEND

5.3.1 Proposals were submitted for a restructure to the Education and SEND service. The proposed structure recognised the importance of meeting statutory duties and a need for a sustainable and stable service to ensure the needs of Medway's children and young people are met. 78 staff were identified as being in scope, formal consultation commenced on 4 July 2023 and concluded on 3 August 2023.

5.3.2 Following the recruitment process for at risk staff, three staff members were unable to secure suitable alternative employment within the new structure and were made redundant. Two redundancies were effective on 30 September 2023 and the third redundancy came into effect on 11 November 2023. The associated information for this redundancy will appear in the next EMC report.

## 5.4 **Legal**

- 5.4.1 Proposals were submitted by Legal Services to review the structure of the team and pay ranges following issues with recruitment and retention and a high volume of agency/locum staff. A report was submitted to Cabinet in July where the proposed restructure was agreed and Full Council approval for the consequent addition to the revenue budget was received on 26 October 2023.
- 5.4.2 Whilst there was no requirement for formal consultation as no redundancies were proposed, to ensure engagement with staff, meetings were held on 15 March, 18 July and also with trade unions on 20 September 2023.

## 5.5 **Childrens Social Work Team (CSWT)**

- 5.5.1 Proposals have been submitted by CSWT to realign resources to better support the work with adolescents and their families. The Adolescent Service will be deleted and the work redistributed to social workers across each of the Children's Social Work Teams. No redundancies are proposed. Staff identified as 'at risk' will be able to express an interest to move into similar roles within other parts of the service. Formal consultation with staff commenced on 18 September 2023 and concluded on 17 October 2023. No counter proposals were submitted. Recruitment to new roles has been initiated with a proposed implementation date of 27 November 2023.

## 5.6 **Luton Primary School**

- 5.6.1 Luton Primary School is due to transfer to Academy status under TUPE regulations to the Rivermead Inclusive Trust. Consultation commenced on 20 September and concluded on 20 October with 110 staff expected to transfer.
- 5.6.2 Transfer is due to take place on 1 November 2023.

## 6. **Support for Staff**

- 6.1 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.
- 6.2 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.
- 6.3 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.

## 7. 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

<b>Likelihood</b>  A Very likely B Likely C Unlikely D Rare	<b>Impact</b>  I Catastrophic II Major III Moderate IV Minor
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## 8. Financial implications

- 8.1 The financial impact resulting from the various restructures have been reflected in the Council's revenue budget, with redundancy costs met from individual budget areas.

## 9. Legal implications

- 9.1 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.
- 9.2 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.
- 9.3 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.

## Lead officer contact

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## Appendices

Appendix A – Summary of Reorganisation Activity

Appendix B – Summary of TUPE Transfers