

Employment Matters Committee

6 June 2024

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 2023 to 31 March 2024 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 December 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 A summary table of reorganisations can be found at Appendix A and a summary table of TUPE transfers can be found at Appendix B.
- 3.4 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.
- 3.5 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.
- 3.6 The Organisational Change report and the Early Retirement and Redundancy report are dealt with as separate items on the agenda for this meeting.

4. Summary of ongoing Organisational Review consultations

4.1 **Public Health**

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 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.
- 4.1.4 The effective date of the voluntary redundancy was 17 October 2023, the associated figures of this redundancy form part of this EMC report.

4.2 **Education & SEND**

- 4.2.1 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. Seventy-eight staff were identified as being in scope, formal consultation commenced on 4 July 2023 and concluded on 3 August 2023.

4.2.2 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 these redundancy figures were part of the December 2023 report and the third redundancy came into effect on 11 November 2023 however due to length of service there are no associated redundancy figures.

4.3 **Legal**

4.3.1 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 19 October 2023.

4.3.2 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.

4.3.3 The new structure was introduced with effect from 1 October 2023. A recruitment campaign which took place in October 2023 resulted in eleven posts being filled and three locums converting to permanent roles. The service aims to reduce by seven locums as a minimum (including those becoming permanent) with an estimated savings in locum costs of £10k per week from January 2024.

4.4 **Childrens Social Work Team (CSWT)**

4.4.1 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.

4.4.2 Following the end of consultation on 17 October 2023, the work of the Adolescent Service was redistributed to social workers across the Children's Social Work Teams on 27 November 2023. One employee was redeployed from the Adolescent Team to Assessment Team. There were no redundancies.

4.5 **Luton Primary School**

4.5.1 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 one hundred and ten staff expected to transfer.

4.5.2 The transfer successfully took place on 1 November 2023.

5. Summary of new Organisational Change proposals

5.1 Visitor Information Centre (VIC)

5.1.2 Following the decision of Full Council on 29 February to close the Visitor Information Centre effective from 19 April 2024, formal consultation for the six staff at risk commenced on 12 March 2024

5.1.3 Formal consultation closed on 28 March 2024, suitable alternative employment was identified for five staff members within the service and notice of redundancy was issued to one staff member with a proposed redundancy date of 1 July 2024.

5.1.4 Suitable alternative employment is still being explored during the notice period, if suitable alternative employment is not found the associated figures of this redundancy will form part of the next EMC report.

5.2 Family Group Conferencing

5.2.1 The Family Group Conferencing team sits within the Multi-Disciplinary Service which is a part of the wider Provider Services within the council's Children's Department. The national accreditation process highlighted inconsistencies around the Family Group Conference team structure against national and local partners.

5.2.2 It is therefore proposed to delete the role of Senior FGC Coordinator and create a new role of Team Leader. Consultation commenced on 16 April and concluded on 16 May 2024. End of consultation responses have been sent and expressions of interest for the role of Team Leader have been invited. No redundancies are envisaged.

5.3 ICT

5.3.1 Organisational change activity began within the Technical Operations section of ICT in August 2023. This action was driven by a need to realign resources to better support the Council, including the technical support helpdesk operated by this team. ICT are scheduled to be in the next phase of the MedPay review but this small organisational change to structures was an urgent requirement, so a separate business case was produced and agreed to ensure that the re-organisation did not incur any additional costs to the Council.

5.3.2 The business case was produced at the end of August 2023, with all new posts evaluated in September 2023.

5.3.3 The new structure provides more opportunities for career progression and professional development within the team to proactively address issues with recruitment and retention in this vital strategic support service to the Council.

5.3.4 Consultation with impacted staff commenced 22 September 2023 and concluded on 9 October 2023 and recruitment to the new posts was completed in November 2023.

5.3.5 There was one voluntary redundancy as a result of this re-organisation, which was accepted as there were no alternative options. This was effective from 1 November 2023. The business case had identified this potential redundancy cost which was fully offset by other savings from this re-organisation.

5.4 Cookham Wood YOI

5.4.1 The HM Prison and Probation Service (Youth Custody Service) has operated a service level agreement with Medway Council for several years, to support children and young people in custody. The Youth Custody Service provides funding to Medway Council to provide a dedicated social work team consisting of one Designated Team Manager and two Dedicated Social Workers.

5.4.2 Inspectors raised an Urgent Notification in April last year, highlighting long-standing issues. The Youth Custody Service have worked hard to address urgent concerns. However, these further actions have not done enough to resolve the wider long-term issues, which negatively impact children. Over the next 2-3 months, all children and young people at Cookham Wood will be supported on a case-by-case basis through this transition and will be moved to different accommodation. The site of HMYOI Cookham Wood will be used to further boost adult estate capacity once all children have been moved.

5.4.3 Weekly meetings are being held with the three staff impacted and discussions are ongoing with Children's Service to identify suitable alternative roles/redeployment opportunities. No redundancies are envisaged.

5.5 Parkwood Primary School

5.5.1 There is a proposal for a new structure within Parkwood Primary School with a planned implementation date of 1 September 2024. Formal consultation has begun and was due to end on 19 April.

5.6 St Peter's Infant School

5.6.1 A small restructure is taking place at St Peter's Infant School. Consultation ran from 31 January to 9 February 2024.

5.6.2 The staffing committee has confirmed that voluntary redundancy has been accepted for two Teaching Assistants and compulsory redundancy has been confirmed for one part time Teaching Assistant and one part time office staff member all with an effective redundancy date of 31 August 2024.

5.6.3 No teachers are affected by redundancy due to a resignation being received. The associated figures for the above redundancies will be available in the next EMC report.

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 knowledge, skills, and experience	Redeployment of staff with transferrable knowledge, skills, and experience	DIII

Likelihood A Very likely B Likely C Unlikely D Rare	Impact 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.

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Appendices

Appendix A – Summary of Reorganisation Activity
Appendix B – Summary of TUPE Activity