



**Chester-le-Street**  
District Council

Report to: Full Council

Date of Meeting: 15<sup>th</sup> November 2006

Report From: Director of Community Services

Title of the Report: Post-Ballot Implementation Issues

Agenda Item Number: **4**

**1. Purpose and Summary**

- 1.1 The purpose of the report is to secure approval from the Council on a range of personnel related matters linked to post-ballot implementation.
- 1.2 It is recommended that the Council:
1. Approve the transfer of the Careline Service to the new Association in the event of a positive tenant ballot.
  2. Request the Head of Organisational Development to develop an Employment Protocol and to report back to the Executive in December 2006 for approval.
  3. Request the Head of Organisational Development to establish a Working Group to facilitate formal TUPE consultations and to secure approval from the Executive to the terms of reference of that Group.
  4. Request the Head of Organisational Development to commence formal TUPE discussions with staff.

## **2. Consultation**

2.1 The following Service areas and stakeholders have been consulted in connection with this report:

1. The Council's Corporate Management Team.

## **3. Corporate Plan and Priorities**

3.1 This report supports the following priorities in the Corporate Plan:

- |            |                         |
|------------|-------------------------|
| Priority 1 | Customer Excellence     |
| Priority 3 | Decent Homes            |
| Priority 7 | Maximising Efficiencies |

## **4. Implications**

### 4.1 Financial Implications and Value for Money

4.1.1 There are no direct financial consequences related to this report.

### 4.2 Legal

4.2.1 The Council must follow the TUPE regulations in relation to all personnel matters related to the stock transfer.

### 4.3 Personnel

#### TUPE

4.3.1 The Council and the Shadow Board both have legal obligations to staff under the revised TUPE regulations, which came into force earlier in the year.

4.3.2 Detailed discussions will need to take place with members of staff affected by the transfer proposals including:

1. Those staff who work in the Housing Service and are directly affected by the proposals – all of these staff would have TUPE rights.
2. Those staff who work in support services and may have TUPE rights.
3. Those staff who are not directly affected by the proposals but who work in other services and where it is good practice to keep all staff informed of the issues.

4.3.3 The Head of Organisational Development is proposing to develop an Employment Protocol covering the following issues:

Part 1 Direct Services

This part sets out the practical way in which the Council's staff will be considered for posts within the Association.

Part 2 Support Services

This part deals with immediate support services issues as well as any deferred TUPE issues in relation to support services.

4.3.4 The creation of the Association and transfer of staff to it raises many employment issues. Some employees will transfer to the employment of the Association, and some will remain employed by the Council but will nevertheless be affected by the transfer.

4.3.5 The protocol will be developed so that the Council, the Association and relevant Trades Unions have a clear framework within which to facilitate the handling of employment issues in order that the transfer may proceed with minimum disruption.

Trades Union and Staff Consultation

4.3.6 Senior managers from the Service and the Human Resources Team have been meeting on an informal basis with all recognised Trades Unions, for the last 6 months, in relation to stock transfer and staffing issues.

4.3.7 The Head of Organisational Development is now recommending that a formal Working Group be established to facilitate TUPE discussions. The terms of reference of this Group will be reported to Executive in December 2006 for approval.

4.4 Other Services

4.4.1 There are no Other Services implications associated with this report at this stage.

4.5 Diversity

4.5.1 There are no diversity implications associated with this report.

#### 4.6 Risk

4.6.1 In order to reduce post-ballot risks for both the Council and the Association, it is essential that the Council puts in place arrangements to deal with the post-ballot personnel issues now. The Action Learning Set on "Maintaining Relationships" recently researched good practice in this area and this report is responding to the recommendations that came out of the Action Learning Set report.

#### 4.7 Crime and Disorder

4.7.1 There are no crime and disorder issues associated with this report.

#### 4.8 Other Implications

4.8.1 There are no "Other" implications associated with this report. Officers will be reporting back to the Council in the post-ballot period to secure approval to deal with a range of issues including the transfer of assets and service level agreements etc.

### **5. Background, Position Statement and Option Appraisal**

#### 5.1 Background

5.1.1 The following Services are already included in the transfer proposals as they represent core housing management functions:

1. Letting of houses.
2. Estate management.
3. Tenancy enforcement.
4. Rent collection.
5. Repairs and maintenance.

#### 5.2 Position Statement

5.2.1 At the meeting held on 6<sup>th</sup> November 2006, the Executive took a decision to transfer the Careline Service into the Housing Revenue Account. This was to make sure that the Careline Service had access to all the future investment resources it would need in order to maintain service standards.

5.2.2 The consequence of this decision is that in the event of a positive tenant ballot the Careline Service will transfer to the new Association.

5.2.3 To date informal discussions have commenced with Careline staff and relevant Trades Unions on the basis of the report that was approved by Executive on 6<sup>th</sup> November 2006. These discussions are ongoing and officers can report positive progress to date.

5.2.4 In considering the proposal to transfer the Careline Service into the Housing Revenue Account, the Executive approved arrangements for the development of dedicated CCTV monitoring.

5.2.5 CCTV monitoring will remain with the Council in the event of a positive tenant ballot.

### 5.3 Option Appraisal

5.3.1 There are no options to appraise in relation to this report.

## 6. **Recommendations**

6.1 It is recommended that the Council:

1. Approve the transfer of the Careline Service to the new Association in the event of a positive tenant ballot.
2. Request the Head of Organisational Development to develop an Employment Protocol and to report back to the Executive in December 2006 for approval.
3. Request the Head of Organisational Development to establish a Working Group to facilitate formal TUPE consultations and to secure approval from the Executive to the terms of reference of that Group.
4. Request the Head of Organisational Development to commence formal TUPE discussions with staff.

## 7. **Background Papers/Documents Referred To**

7.1 There are no background documents relating to this report.

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**Date of Report:** 2<sup>nd</sup> November 2006

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