

## **Delegated Officer Report**

**Decision Maker:** Shelley Kipling, Assistant Chief Executive

**Date of Decision:** Monday 22 April 2024

**Subject:** Changes in Terms and Conditions for TUPE Unity staff

**Report Author:** Fran Lautman, Head of Customer and Digital Experience

**Ward (s):** N/A

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**Reason for the decision:** Following the move of Unity staff into the Council, an exercise has been carried out to offer a voluntary move of the TUPEd staff from Unity T&Cs to Oldham Council T&Cs from 1<sup>st</sup> January 2024.

**Summary:** The purpose of this report is to ratify the decision to move ex-Unity staff who have TUPEd back into the Council, onto Council T&Cs.

This move will remove administration of multiple T&Cs and will ensure that there are no issues relating to what is seen as disadvantageous T&Cs compared to that of colleagues.

This results in an increase in cost, due to the fact that all staff concerned are on lower salaries than applies to the Oldham Council equivalents for their roles.

All affected staff have opted to move to Oldham T&Cs.

This affects 24 individuals.

***What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):*** The offer to staff is on a voluntary basis. The option to make a compulsory change is not supported by employment law and so has not been considered.

The consideration to leave T&Cs as they are has been considered, the disadvantages of which are loss of staff morale, administrative complexities and a potential increase in loss of staff to other organisations.

***Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.***

As the offer is voluntary, no consultation with staff was required. Unions were informed of the offer in advance.

All staff had a letter explaining the offer and were offered one to one meetings with managements to discuss the offer and to ask any questions. Full assistance from HR was obtained throughout and explanatory letters and materials were provided with a reasonable timescale for response.

***Recommendation(s):***

It is recommended that the move to Oldham T&Cs for the affected staff is taken forward with effect from 1<sup>st</sup> January 2024.

**Implications:**

*What are the **financial** implications?*

The Customer Service function transferred over to the council from 'The Unity Partnership' on the 1<sup>st</sup> of April 2022. The team consisted of 24 posts (20.3 FTE) and carried an annual budget of £1,924,280. (Including on costs and associated annual pay awards).

An offer to transfer onto Oldham Council Terms & Conditions was made to all staff on a voluntary basis.

The option to make a compulsory change is not supported by employment law and the option to keep all staff on their current T&Cs is not supported by the organisation.

Following the Job Evaluation process, all 24 members of staff chose to exercise their option and move onto Oldham Council's T&C's. The additional cost to the Council is £42,475 (including on costs).

Assuming a 1<sup>st</sup> of April 2024 transfer date, all additional costs will be incurred in the 2024/25 financial year.

This has been addressed as part of the 2024/25 budget setting process.

(Jamie Kelly, Senior Accountant)

*What are the **legal** implications?*

The offer is a voluntary offer and all staff opting in have been suitably consulted with. As a result of these factors there are no legal concerns. The harmonising of terms and conditions between council staff is a positive step.

(Alex Bougatef, Interim Assistant Director of Legal Services)

What are the **procurement** implications?

N/A

*What are the **Human Resources** implications?*

Staff were written to with 30 days to consider the information and provided with an opportunity for a one to one consultation if they wished to.

Job Evaluation panels have been involved to evaluate and ratify jobs at the outset.

As agreed, staff who accept the offer to voluntarily transfer will have the changes applied from 1<sup>st</sup> January 2024.

(Kathryn Pickford, HR Manager)

***Equality Impact** attached or not required because (please give reason)*

There is no impact on equality as the activity is aligning staff T&Cs.

*What are the **property** implications*

N/A

**Risk assessments:**

Following the transfer of staff from Unity Partnership back to the Council there has been a period of transition for employees affected. Offering the Councils terms and conditions to those affected can be seen as a way of amalgamating services and ensuring previous Unity staff feel connected back to the Council. This will reduce staff unhappiness and improves morale. Staff returning to the councils' terms and conditions will ensure that there is an equity in job roles across the service as they have been through a thorough evaluation process, like existing Council roles. The financial risk of the

increase in per year has been picked up under the financial comments in this report.

(Vicki Gallacher, Head of Insurance and Information Governance)

**Co-operative implications**

No comments.

(Jonathan Downs, Corporate Policy Lead)

**IT implications**

N/A

**Environmental and Health and**

N/A

**Safety implications**

**Community cohesions, including crime and disorder implications**

N/A

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No


**There are no background papers for this report**

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<b>Report Author Sign-off:</b>	
Fran Lautman	
<b>Date: Monday 22 April 2024</b>	

In consultation with Assistant Chief Executive, Shelley Kipling

Signed:



Date: 03.04.2024

In consultation with Cllr Abdul Jabbar

Signed:



Date: 22.04.2024

