

MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 22 Jun 2021 07:53

MIXED TENURE CONTRACT

Background

It would appear Council now want to take this 'IN HOUSE'

This was the report submitted to the Cabinet meeting 28 January 2021 saying they had 'forgotten' to renew the contract !

EAST RENFREWSHIRE COUNCIL

CABINET

28 January 2021

Report by Director of Environment

MIXED TENURE SCHEME

PURPOSE OF REPORT

1. The purpose of this report is to advise the Cabinet on the current circumstances with regard to the expiry of the contract with the Council's third-party provider for the management of the Mixed Tenure Scheme.

In particular the report advises on the continuation since November 2019 of the previously competitively tendered contract on the same terms and conditions and contract rates which demonstrates that it was continued on a best value basis.

RECOMMENDATIONS

2.It is recommended that the Cabinet,

(a)Notes that the contract with VERG (the Council's third-party Mixed Tenure Scheme provider) expired at the end of November 2019 and that due to an oversight and subsequently coronavirus related issues the contract was not retendered within the timescale required;

(b)Notes that the tendered contract was considered to have provided from December 2015 important high-quality services and value for money;

(c)Notes that for the reasons outlined in this report the contract has been continued on the previous terms and conditions and competitively tendered rates between the period from December 2019 to February 2021 at a projected cost of £375,000 (to 31 March 2021 should the Cabinet agreed to extend the current arrangement until then);

(d)The total expenditure is above EU threshold but is appropriate under thePublic Contracts (Scotland) Regulations 2015, Regulation 33 (1) (C) which permits a negotiated contract without prior publication for reasons of urgency due to events unforeseen by the contracting authority;

(e)Approves the continued use of the contract on this basis until 31 March 2021which is within the budgetary provision which had been made for the scheme over that period; and(f)Notes that the contract will be competitively retendered to run from 31 March2021.

BACKGROUND AND REPORT

3.The Mixed Tenure Scheme was established in 2013 to improve the condition of mixed tenure estates which comprise both Council houses and private properties.

The existing contract was subject to competitive tender and awarded in December 2015.

4. The existing contract has provided a much-needed very high quality service and good value for money.

It is highly appreciated by our residents and also by Elected Members.

In addition, it has provided added value for the local economy, employability and opportunities for our Care Experienced Young People.

This is explained in further detail in this report.

5. The scheme, which has an annual budget of £500,000, is managed on behalf of the Council by a third party contractor (called VERG).

It should be noted the annual budget pays for the services provided directly by VERG as well paying for the services tendered to Private Contractors.

6. The main element of the contract with the third party contractor is the provision of a “Hit Squad” of around 10 operational staff.

This squad deals with problems such as fly tipping or litter picks in Council areas regardless of housing tenure.

They also undertake small remedial works, garden clearance, tree management and small project development.

7. In addition to the hit squad, the third party contractor manages on the Council’s behalf services procured through a number of private contractors appointed by the Council through competitive tender and standard Council contract procedures.

The services provided through these contracts includes:

- Garden and hedge maintenance.

- Close cleaning and painting to enhance the cleanliness and visual appearance of block properties

- Smaller improvements to the physical fabric of the estate (such as fence painting, minor repairs, fence replacement, bin store demolition, footpath improvements and slabbing etc)

8. Overall in the financial year 2019/20 the substantial number of projects delivered through the hit squad and contractors amounted to around:

- 2500 ad hoc requests (uplifts relating to garden and household waste and regular uplift of flytipping hotspots), (hit squad)

- 3829 close cleans

- 3250 garden maintenance visits (Contractor& HIT Squad)

- 60 tree cuts

- 100 repairs to fences

- 40 path/slabbing remedial repairs

- 40 close paintings

9. The Mixed Tenure Scheme also provides added value to the local economy and other Council strategic objectives by providing training for local people and creating and sustaining local employment.

With the exception of the Project Officer, all 10 members of the current squad are from East Renfrewshire.

The project further supports the Council Family Firm initiative for Care Experienced Young People (CEYP) in offering work experience.

This particular element of the scheme is provided free of charge by the third party contractor.

Since its creation the scheme has provided opportunities for work experience for 10 CEYP, 2 which are from East Renfrewshire and are still employed on the squad.

The scheme has also provided volunteering opportunities with WorkER and Adult Education Services to 10 local residents, 2 of which are now employed.

10. The contract with the third party contractor expired in November 2019.

Unfortunately, due to an oversight the re-tendering process was not started on time.

When this was recognised and the re-tendering process recommenced just prior to March 2020 it was then further delayed due to staff having to deal with emerging Covid related issues.

11. At around the same time (March 2020) the Council began to identify a developing urgent need for additional resources to supplement Council resources in a number of areas.

Initial COVID-19 related restrictions on undertaking certain types of work meant that the hit squad were likely to have surplus capacity.

This meant that there was an opportunity for the scheme to assist with wider Covid related services

12. It was felt that without the Mixed Tenure Scheme the condition of local mixed tenure estates would deteriorate significantly during the lockdown period placing significant pressure on existing Council services.

To have suspended this service due to the tendering/contract issue would have created health and safety risks for residents and in buildings had they not been addressed.

13. Given all the circumstances outlined above the contract with the third party contractor was allowed to continue to run on a monthly basis on the same terms and conditions and previously tendered rates particularly given the satisfaction with the quality of the service and perceived value for money provided through the existing contract.

The contract payments continued to be invoiced by the contractor and paid monthly.

14. As a result of this decision the hit squad were then able to proceed to

- Assist ERC with delivering food parcels and equipment to the distribution points for those vulnerable residents in East Renfrewshire.

- Assist the wider Environment Department in providing bank holiday cover

- Sanitise handrails, door handles and lift panels at Montgomery Court Sheltered Housing complex.

- Remove the waste generated by an increase in fly tipping & remove contaminated bin and fire hazards in communal areas.

- Remove excess garden waste.

15. A re-tender exercise has commenced for the Mixed Tenure Scheme from 2021/22 with the aim of letting a new contract from 31 March 2021.

FINANCE AND EFFICIENCY

16. The total cost of the ongoing monthly continuation of the third party contract will be £375,000 for the period from December 2019 until the end of March 2021.

There is no additional financial consequences for the Council in this respect.

Budgetary provision of that level already exists.

17. Colleagues within Procurement are currently working on the development of an online contracts register which will be visible across the Council to all officers, ensuring a single source of accurate information for contract data.

The system will include alert functionality for contract end dates ensuring sufficient time for officers to prepare for re-tendering activity.

The system is expected to go live in the new financial year with training provided for appropriate staff dealing with contracts.

CONSULTATION1

8. Legal Services and Procurement have been advised of the current position and the proposal to retender the scheme as quickly as possible (from 31 March 2021) and have raised no concerns given the particular circumstances.

PARTNERSHIP WORKING

19 . This project will continue to be overseen by ERC Housing Services.

IMPLICATIONS OF THE PROPOSALS

20. There are no staffing, IT, legal, equality or financial implications directly associated with this report at this point in time.

CONCLUSIONS

21. The Mixed Tenure Scheme delivers essential rapid response neighbourhood services, ensuring mixed tenure areas within East Renfrewshire are well maintained for all residents.

In order to support key Council services it was essential that this service was continued to ensure local mixed tenure estates were maintained effectively.

For this reason it was felt that to discontinue the service during COVID would have been significantly detrimental to residents

RECOMMENDATIONS

22. It is recommended that the Cabinet,

(a) Notes that the contract with VERG (the Council's third-party Mixed Tenure Scheme provider) expired at the end of November 2019 and that due to an oversight and subsequently coronavirus related issues the contract was not retendered within the timescale required;

(b) Notes that the tendered contract was considered to have provided from December 2015 important high-quality services and value for money;

(c) Notes that for the reasons outlined in this report the contract has been continued on the previous terms and conditions and competitively tendered rates between the period from December 2019 to February 2021 at a projected cost of £375,000 (to 31 March 2021 should the Cabinet agreed to extend the current arrangement until then);

(d) The total expenditure is above EU threshold but is appropriate under the Public Contracts (Scotland) Regulations 2015, Regulation 33 (1) (C) which permits a negotiated contract without prior publication for reasons of urgency due to events unforeseen by the contracting authority;

(e) Approves the continued use of the contract on this basis until 31 March 2021 which is within the budgetary provision which had been made for the scheme over that period; and

(f) Notes that the contract will be competitively retendered to run from 31 March 2021.

Director of Environment6

Further information can be obtained from Phil Daws Head of Strategy Environment department 0141577

3186

Convener contact details

Councillor Danny Devlin Home: 0141 580 0288

(Convener for Housing & Maintenance Services) Office: 0141 577 3107

January 2021

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 17 Sep 2021 08:39

----- Original Message -----

From: "Mahon, Gerry"

Sent: Monday, 12 Jul, 2021 At 11:00

Subject: foi review

I attach a screen print of a teams meeting invite pertinent to your request. There does not appear to be any agenda attached but you can see the time of the meeting and invitees.

Regards

Gerry

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 17 Sep 2021 08:52

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Friday, 23 Jul, 2021 At 13:07

Subject: Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Hi

Would appreciate if you can give the current timescale and dates for the start and completion of the work described below to bring the MIXED TENURE SCHEME In-House.

At this particular time I am not looking for Reports/Documents etc but it would be very much appreciated if details of timescales and start/completion dates for each of below can be given.

1. Additional Salary costs

The current timescale and dates for the start and completion of this work -

' Salary Costs – as indicated last week likely to be additional cost immediately (on basis of mapping

across to our existing grades and hours of work) and longer term (if service was withdrawn or scaled back) as a result of current commitment to no compulsory redundancy policy, any headcount reduction would attract enhanced voluntary redundancy terms'

2. Additional Costs

The current timescale and dates for the start and completion of this work -

' Additional costs – After TUPE ERC would become liable for all other employment costs in line with current occupational enhancements e.g. sick pay'

3. Harmonisation of Terms and Conditions

The current timescale and dates for the start and completion of this work -

' Harmonisation of Terms and Conditions – can't be scoped fully until we have access to VERG T&Cs but immediately note that VERG work on basis of 35 hours, would need to harmonise to 37 hours as per ERC, ERC offer additional annual leave based on length of service, posts would need to go through job evaluation if no comparable role exists. Further costs may be identified as a result of this exercise. '

Contact with VERG

Access to VERG T&Cs

Job evaluation

Further Costs

Harmonisation of Terms and Conditions exercise.

4. Timescale & Consultation

The current timescale and dates for the start and completion of this work -

' Timescale & consultation – once Cabinet approval, requirement to go through usual DCE approval process with memo and consultation following usual Organisational change/restructuring process including job evaluation process. Once that approval given would then need to gather information from VERG, complete an assessment across T&Cs, consult with VERG employees on transfer and negotiate any changes, go through any matching/recruitment and issue appropriate contracts. '

DCE approval process

Organisational change/restructuring process

Contact with VERG

Gathering information from VERG

Complete an assessment across T&Cs

Consult with VERG employees

Negotiation of any changes

Go through any matching/recruitment process

Issue appropriate contracts.

Your help in providing timescales and start/completion dates is very much appreciated.

Thanks

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Friday, 23 Jul, 2021 At 13:20

Subject: Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Hi

Received this auto response from Andrew Cahill which I presume is incorrect(October 2018?).

As I do not know when he will return would appreciate if you can forward my email request below for someone else from the department to action/respond.

Your help is appreciated.

Thanks

----- Original Message -----

From: "Cahill, Andrew"

Sent: Friday, 23 Jul, 2021 At 13:07

Subject: Automatic reply: Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Thank you for your e-mail. I am currently out of the office, returning on Monday 22nd October 2018. I will deal with your e-mail on my return.

If your enquiry is urgent please phone 0141 577 3036 or Customer Services on 0141 577 3001.

Thanks

----- Original Message -----

From:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Friday, 23 Jul, 2021 At 15:08

Subject: Confirmation of your Freedom of Information request for Multiple services

We've received your freedom of information request. Your reference number is: 3731-5867-0123-3728.

Your request has been passed to a member of our team. We will respond as soon as possible and no later than 20 working days.

Thank you.

East Renfrewshire Council

Sent: 26 July 2021 11:39

To: *Customer Services

Subject: Re: FOI Request 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Hi

Would appreciate if you can forward below to the relevant persons as

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

- East Renfrewshire Council

have not supplied a contact name and/or email address for reply.

I had not intended this as an FOI request and had said,

'At this particular time I am not looking for Reports/Documents etc but it would be very much appreciated if details of timescales and start/completion dates for each of below can be given.'

However, now that you have taken it as an FOI Request, in addition to the Timescales/dates, I would expect all Reports/Documents/Recorded information/notes/emails etc to be provided (as per the Legislation), regarding all requested information in paras 1 to 4 of email of 23 July 2021 attached.

The Scottish Information Commissioner has written regarding FOI requests -

'The duty to advise and assist

Under FOI law, authorities have a duty to advise and assist people who want to access their information. The duty to advise and assist makes sure that customer service and customer engagement are central to FOI practice.

Taking a positive and proactive approach to the duty to advise and assist will strengthen relations with service users and help build trust. Offering help, support and guidance to people looking for information will also reduce the likelihood of more FOI requests.

Legal requirement

The FOI Act requires authorities to provide reasonable advice and assistance to people who have made, or are planning to make, a request for information (section 15).

The EIRs contain a similar provision for requests for environmental information (regulation 9).

Both the FOI Act and the EIRs say that authorities which comply with the Scottish Ministers' FOI Code of Practice when providing advice and assistance are complying with the duty under FOI law.'

Your help with this matter is appreciated.

Thanks

----- Original Message -----

From: "*Customer Services"

Sent: Tuesday, 27 Jul, 2021 At 11:59

Subject: RE: FOI Request 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Good morning

Thank you for your email. I have logged your message with our FOI team.

Should you require any further assistance, please do not hesitate to contact us again.

Kind regards

Customer First

Sent: 23 August 2021 08:43

To: EN Customer Relations

Subject: RE: FOI Request 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Hi

Would appreciate update to request made 23 July 2021, on when response can be expected.

Thanks

----- Original Message -----

From: "EN EnvFoi"

Sent: Monday, 23 Aug, 2021 At 11:49

Subject: RE: FOI Request 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Thank you for your attached email.

I have passed this to the Director for an update and will reply to you as soon as I have any information on the response.

Thanks

Customer Relations Officer

Environment Department

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 17 Sep 2021 09:01

Sent: 26 August 2021 13:56

To: Mahon, Gerry

Subject: Request for FOI Review - FOI 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

REQUEST FOR FOI REVIEW

I wish to request FOI review for the following FOI request(attached to email below) -

FOI Request 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House.

I had not intended my original request for information as a FOI request and had said,

'At this particular time I am not looking for Reports/Documents etc but it would be very much appreciated if details of timescales and start/completion dates for each of below can be given.'

However, ERC treated it as FOI Request, and as a result I indicated that in addition to the Timescales/dates, I would now expect all Reports/Documents/Recorded information/notes/emails etc to be provided (as per the Legislation), regarding all requested information in paras 1 to 4 of email of 23 July 2021 attached.

It is now over 20 working days since the request was made(23 July 2021) and no indication of date when a response can be expected has been received.

Gerry Mahon, The Chief Officer Legal & Procurement, East Renfrewshire Council, has previously stated that FOI is normally a 2 stage process -

'As you will be aware the Council's response to an FOI request does not merely revolve around the initial request but also the review process. It is hoped that any human error in relation to the 1st part of the process is properly remedied at the 2nd stage.'

and The Scottish Information Commissioner has written -

'The duty to advise and assist

Under FOI law, authorities have a duty to advise and assist people who want to access their information. The duty to advise and assist makes sure that customer service and customer engagement are central to FOI practice.

Taking a positive and proactive approach to the duty to advise and assist will strengthen relations with service users and help build trust. Offering help, support and guidance to people looking for information will also reduce the likelihood of more FOI requests.

Legal requirement

The FOI Act requires authorities to provide reasonable advice and assistance to people who have made, or are planning to make, a request for information (section 15).

The EIRs contain a similar provision for requests for environmental information (regulation 9).

Both the FOI Act and the EIRs say that authorities which comply with the Scottish Ministers' FOI Code of Practice when providing advice and assistance are complying with the duty under FOI law.'

I wish to request FOI review.

Although restrictions have been eased, we all still appreciate the consequences the pandemic is having on Council workers and services, and on everyone else who is working hard, and have to deal with loss of earnings, shielding, self-isolating, caring for elderly relatives, not seeing close family members or coping with bereavement after losing family members to Covid -19.

Covid-19 continues to affect everyone and everyone is working hard to overcome the effects of this pandemic.

As can be seen from the emails below, I have shown patience and would have looked at and considered any reasonable timescale/date had it been given.

However, I again feel that the Department are making up their own open ended timescale with no indication of a date when a response can be expected and as the stipulated 20 working days for response have been exceeded again, I now feel I have been left with no option but to seek FOI Review from ERC Chief Officer (Legal and Procurement).

Would appreciate acknowledgement of receipt.

Thanks

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Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 18 Nov 2021 13:30

----- Original Message -----

From: "Mahon, Gerry"

Sent: Thursday, 23 Sep, 2021 At 18:18

Subject: RE: Request for FOI Review - FOI 3731-5867-0123-3728 - Current timescale and dates for the start and completion of the work to bring the MIXED TENURE SCHEME In-House

I refer to the above and to your request for review dated 26 August 2021.

As you are aware, I have responsibility for handling review requests on behalf of the Council.

I write to advise that I have now concluded consideration of this case and to bring my findings to your attention.

Firstly, I would offer sincere apologies on behalf of the service concerned for the fact that your initial request was processed through formal FOI routes and not handled as business as usual. Furthermore, I

would like to apologise that your request has not been answered formally until now.

Whilst I understand that the service remains under ongoing pressure to address COVID related matters and is itself affected by staffing issues caused by the effects of the pandemic, I have reiterated their statutory responsibilities in this regard.

In relation to your request for timescales, I can confirm that the Environment Department is aiming for the transfer of the staff in-house to be completed during October 2021 and that this is an ongoing process.

I would however, highlight that this process has many elements outwith the Department's direct control , many of which you highlighted in your initial correspondence, e.g. engagement and employee consultation.

As you will appreciate, parties involved in this process are impacted by both backlogs and lessened workforces arising from the Coronavirus pandemic.

With this in mind, the October timescale is a target rather than a definitive date and may be subject to change depending on these factors.

Full harmonisation of terms and conditions is thereafter expected to take up to 3 months from that date.

As regards your specific request for documents held in connection with this matter, as this is an ongoing piece of work and has not yet concluded, it is considered that disclosure of the information would likely be prejudicial to the effective conduct of public affairs and as such information is withheld from disclosure in terms of s30(c) of the Freedom of Information (Scotland) Act 2002.

The process involves the transfer of employment information from a currently private body into the hands of the local authority and thereafter discussion regarding the effect such a transfer will have on the terms and conditions of the employees involved.

Insofar as those employees will not become officers of the authority until the transfer takes place and the private company are not otherwise subject to the terms of the Act, it is felt that the issue of such information into the public domain in advance of the conclusion of these discussions will substantially

inhibit the company's willingness to release relevant information and accordingly delay conclusion of the process.

It should also be noted that certain prospective transferees may not ultimately transfer and as such not all information transferred at this stage may ultimately be relevant to the finalised transfer.

This exemption is subject to the public interest test.

In favour of disclosure is transparency around the business of the public authority and the use of public funds and the accountability that comes with such transparency.

On the other hand, the already published report clearly identifies the various factors which have prompted consideration of the transfer and the Council's intentions are already clearly in the public domain.

Release of more detailed information at the present moment in time has the potential to undermine the process which is itself designed to protect the public purse to the greatest possible extent and to maximise efficiency and effectiveness of services to the public whilst minimising cost.

It is therefore my view that a disrupted process (for the reasons outlined above) would actually be detrimental to the public interest and on that basis the balance is considered to lie in retention of the information at this stage.

Once the process is concluded, the dynamic of such consideration may change and impact of disclosure would likely reduce.

I am not of the view that we are however at that stage yet.

If you are dissatisfied with the outcome of this review, you have the right to appeal to the Scottish Information Commissioner. His address is:

The Scottish Information Commissioner

Kilburn Castle

St Andrews

Fife

KY16 9DS

Yours Sincerely

Gerry Mahon

Chief Officer – Legal and Procurement

=====

Re: MIXED TENURE CONTRACT (£500,000.00+) - Taken In-House? - With only 1 report and 1 email? Open and Transparent?

Posted by RM64 - 18 Nov 2021 13:35

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Thursday, 18 Nov, 2021 At 11:26

Subject: Freedom of Information(FOI) Request - Taking the MIXED TENURE SCHEME In-House

Freedom of Information(FOI) Request

This FOI Request concerns taking the MIXED TENURE SCHEME In-House as recommended and approved at the East Renfrewshire Council(ERC) Cabinet meeting 15 April 2021.

It is now mid November 2021 and after 7 months no further reports/updates have been given to Cabinet and the only recorded information published by ERC has been one email (attached to end of this request.)

On 23/9/2021 the Chief Officer – Legal and Procurement wrote

'.....the Environment Department is aiming for the transfer of the staff in-house to be completed during October 2021....'

and

'Once the process is concluded, the dynamic of such consideration may change and impact of disclosure would likely reduce.....'

The Scottish Information Commissioner has written in an Exemption Briefing regarding Exemption 30(c) and the passage of time.

'Section 30(c) – the effective conduct of public affairs

Para 37

(ii)

the passage of time. Disclosing information about an ongoing matter may well cause harm. However, once a matter is concluded or settled, it is harder to argue that disclosure of such information could cause significant harm to the process. In such cases the public authority would be expected to show the effect that disclosure of the information would have on future practice.'

Please provide relevant Documents and relevant emails specifically regarding the following(I am not interested in personal details such names etc) -

1. Details/recorded information regarding the Additional Salary costs

' Salary Costs – as indicated last week likely to be additional cost immediately (on basis of mapping

across to our existing grades and hours of work) and longer term (if service was withdrawn or scaled back) as a result of current commitment to no compulsory redundancy policy, any headcount reduction would attract enhanced voluntary redundancy terms'

2. Details/recorded information regarding these Additional Costs

' Additional costs – After TUPE ERC would become liable for all other employment costs in line with current occupational enhancements e.g. sick pay'

3. Details/recorded information regarding these Further costs

Harmonisation of Terms and Conditions

-- can't be scoped fully until we have access to VERG T&Cs but immediately note that VERG work on basis of 35 hours, would need to harmonise to 37 hours as per ERC, ERC offer additional annual leave based on length of service, posts would need to go through job evaluation if no comparable role exists. Further costs may be identified as a result of this exercise. '

4. Details/recorded information regarding VERG

Contacting VERG

Consultation/Gathering information from VERG

Correspondence/information received from VERG

' Timescale & consultation – once Cabinet approval, requirement to go through usual DCE approval process with memo and consultation following usual Organisational change/restructuring process including job evaluation process. Once that approval given would then need to gather information from VERG, complete an assessment across T&Cs, consult with VERG employees on transfer and negotiate any changes, go through any matching/recruitment and issue appropriate contracts. '

5. Please give The Number of Staff transferred

Your help is appreciated.

Attached Email -

'From: Loudon, Jo

Sent: 29 March 2021 18:20

To: Cahill, Andrew <

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

>

Subject: Official Sensitive - TUPE

Hi Andy

Following on from last week's call about the potential TUPE I've gathered a bit more background and wanted to make you aware of some of the risks/issues associated and in case of further detail being required at Cabinet.

Salary Costs – as indicated last week likely to be additional cost immediately (on basis of mapping across to our existing grades and hours of work) and longer term (if service was withdrawn or scaled back) as a result of current commitment to no compulsory redundancy policy, any headcount reduction would attract enhanced voluntary redundancy terms

Additional costs – After TUPE ERC would become liable for all other employment costs in line with current occupational enhancements e.g. sick pay

Harmonisation of Terms and Conditions – can't be scoped fully until we have access to VERG T&Cs but immediately note that VERG work on basis of 35 hours, would need to harmonise to 37 hours as per ERC, ERC offer additional annual leave based on length of service, posts would need to go through job evaluation if no comparable role exists. Further costs may be identified as a result of this exercise.

Timescale & consultation – once Cabinet approval, requirement to go through usual DCE approval process with memo and consultation following usual Organisational change/restructuring process including job evaluation process. Once that approval given would then need to gather information from VERG, complete an assessment across T&Cs, consult with VERG employees on transfer and negotiate any changes, go through any matching/recruitment and issue appropriate contracts.

That's just a very quick summary of initial thoughts. Happy to discuss further or if you need more information.

Thanks

Jo

Jo Loudon

HR Business Partner (Mon – Wed) – CEO, CCS & Environment

Department of Corporate and Community Services'

Thanks

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