

SALISBURY CITY COUNCIL

Subject : Future Environmental Services – Post Idverde Contract
Committee : Personnel Committee
Date : 12 October 2022
Author : Tracy Adams

1. Report Summary:

- 1.1. This report gives an update on the current situation regarding transfer in of staff from Idverde who are currently delivering some of the grounds and Streetscene services across the city.

2. Background:

- 2.1. At Full Council in Nov 2021 it was agreed that the grounds and streetscene work currently provided by Idverde under contract would be moved in house at the conclusion of the Idverde contract in Nov 2022.
- 2.2. HR Manager, Tracy Adams, (supported by Worknest – the Council legal advisors) have considered this situation, and concluded that this transfer falls within the scope of TUPE (Transfer of Undertakings (Protection of Employment) legislation.

3. Current situation:

- 3.1. The HR Manager has been liaising with Idverde to request employee liability information (ELI).
- 3.2. Employee liability information contains:
 - 3.2.1. details of terms and conditions of the employees within their statement of particulars. These terms and conditions must be at least the same when the person moves to being employed by Salisbury City Council (SCC).
 - 3.2.2. Any collective agreements in place
 - 3.2.3. Any disciplinary action taken within the last 2 years against any employee
 - 3.2.4. Information about any grievance processes raised in the last 2 years
 - 3.2.5. Any legal action against the employer by an employee within the last 2 years
- 3.3. It is a legal requirement for the information to be passed to SCC 28 days prior to transfer, so in this case on 3 Nov 2022.
- 3.4. Idverde provided an ELI list in Jan 2022. This list included some management posts which were different to what was expected. SCC queried this initial information and in August 2022 a revised ELI was received which aligned more closely to SCC expectation on numbers and grades of staff to be transferred.
- 3.5. SCC are still waiting for the full ELI which must be received by 3 Nov 2022 latest, but the HR Manager is continuing to ask for clarification about specific terms within the information.
- 3.6. Any SCC communication with Idverde staff needs to be agreed through Idverde. HR Manager hopes to ask for at least one face to face meeting with staff due to transfer approximately October/November time. However, Idverde do not have to agree to this meeting.
- 3.7. Informing and consulting with staff affected by the transfer is the responsibility of Idverde. However, SCC must provide information detailing any immediate changes they propose to the employment of these staff in a letter called 'measures

letter'. Information contained in the measures letter include any changes to work practices, for example pay dates or working patterns.

- 3.8. As previously noted final ELI is not legally required before 28 days prior to transfer, so should the ELI contain details of staff who are not expected, a further Personnel Committee will need to be called as soon as possible prior to 1 December 2022 to discuss any implications.
- 3.9. SCC are currently expecting to transfer incoming staff on existing terms and conditions, rather than moving to SCC terms. This is to enable a full review and costing process to be carried out before any further consideration of harmonisation is considered. However, those transfer will be paid the Real Living Wage where applicable.
- 3.10. The number of transferees has not been finalised, but SCC expect some vacancies in the team. These vacancies will not be finalised until 1 Dec 2022.

4. Recommendation:

It is recommended that the Committee:

- 4.1. Note this report.

5. Wards Affected: All

6. Background papers: Nil

7. Implications:

7.1. **Financial:** None

7.2. **Legal:** TUPE regulations

7.3. **Personnel:** Transferring in staff

7.4. **Environmental Impact:** None in relation to this report

7.5. **Equalities Impact Statement:** Staff transferring in are part of an organised grouping and no redundancies are planned.