

**Executive Member for Finance & Performance**

**13 February 2017**

Report of the Director of Corporate & Customer Services

**City of York Council HR Advisory Services to Schools - Future Model of Service Delivery**

**Summary**

1. The Executive Member is asked to agree to the transfer of City of York (CYC) HR School Advisory support to North Yorkshire County Council (NYCC), with the CYC function maintaining a strategic overview of service delivery. This partnership will ensure the local authority can continue to take a strategic role for school improvement across the city and can discharge our statutory duties as an employer.

**Recommendations**

2. The Executive Member is asked to consider:
  - **Option 3:** To agree the formal partnership arrangements to work in partnership with North Yorkshire County Council to deliver HR advisory services to York schools.

*Reason:* This option is the most effective at achieving the aim of a resilient and sustainable HR advisory support service for York schools.

**Background**

3. In March 2016, following reports to Children's Services and Customer and Corporate Service's departmental management teams a decision was taken to create a dedicated school HR Advisory team of 2.6FTE from the existing pool of CYC staff.
4. Following an internal recruitment process appointment was made to 0.6FTE of the 2.6FTE posts available. Shortly after this a fixed term Schools HR Advisor resigned meaning the team was under capacity by 2FTE from September 2016.

5. Since 1 September 2016, an arrangement was put in place to resource the CYC Schools team with 2 FTE HR advisors seconded from NYCC and deliver the CYC HR advisory Service Level Agreement for the remainder of the financial year.
6. The arrangements are reviewed on an ongoing basis and have resulted in the seamless delivery of the advisory service to schools.
7. The possibility of a partnership approach has been discussed and in general been welcomed by Head teachers to help guarantee a more resilient HR provision. Ongoing discussions have also take place with Children's Services management team about the implication about the potential impact of any changes.
8. The model of delivery currently offered by NYCC provides schools with a core offer which is supplemented by 'commissioned services' for example trained investigators or proactive strategic support. This provides schools with a flexible model which allows them to determine the level of support they wish to purchase. At present, CYC is not in a position to provide a similar level of products and services without significant investment.

### **Consultation and Considerations**

9. In considering the future delivery model for the HR advisory service to schools it is helpful to note the following:

#### Staffing Implications - Dedicated Schools Team

10. If it is agreed to transfer service delivery to NYCC, this will be deemed 'service provision change' as per the Transfer of Undertakings (Protection of Employment) Regulations 2006 (commonly known as TUPE) (further amended in 2014).
11. Where a relevant transfer is deemed to take place the contracts of employment and employment rights of all employees engaged in the undertaking immediately before it is transferred to a new provider automatically transferred. The new provider automatically becomes employer of those employees on the same terms and conditions as before. In effect this is 0.6 FTE CYC posts as the remaining 2FTE are vacant.
12. The wider HR team, Unison and GMB, are aware of the current arrangements with NYCC and have been informed that the dedicated

school advisory team would, if the arrangement is formalised, be transferred to NYCC in accordance with TUPE regulations.

### Statutory Obligations

13. Schools can decide who they want to provide their HR advice. As the employer of staff in maintained schools, CYC continues to have statutory responsibilities for approximately 2000 staff that will need to be fulfilled. If the HR Advisory service is delivered in partnership with another organisation protocols will be developed and agreed to ensure CYC can fully discharge those duties. Any protocols will be referred to in a legal agreement between the two authorities.
14. The CYC HR team will need to maintain some capacity and expertise to fulfil these statutory duties and the cost of providing these services cannot be recouped or offset through an SLA with schools.

### Relationship with legal services

15. Given the nature of some of the work undertaken by the HR Advisory service a close working relationship with legal services is necessary. Positive discussions are ongoing with the CYC Assistant Director Legal and Governance about the implications of these changes and to define the relationship between the proposed NYCC HR advisory service and the legal team. This will also form part of the legal agreement to support the partnership arrangements and an agreed framework delivery.

### Contract arrangements and legal agreements

16. Currently, there is a memorandum of understanding in place between NYCC and CYC which underpins the successful working arrangements up to March 2017. Should the formal partnership be agreed, contractual agreements will be in place to ensure that ensure the local authority can continue to take a strategic role for school improvement and can discharge its statutory responsibilities. This will include governance arrangements which will underpin this partnership.

### Relationship with the York Education Services to Schools offer

17. It is acknowledged that it is essential to ensure that the advisory function will continue to contribute to the success of the York services to schools offer.

18. The CYC senior HR lead for Children, Education & Communities will provide the strategic link between CYC and NYCC to ensure the contractual arrangements are fulfilled by all parties and key information is relayed and discussed.
19. It is important that this arrangement involves the wider education and skills stakeholders for it to be a success. During the autumn term, the current team composition has already created these links and is working alongside CYC colleagues positively.

### **Options**

20. **Option 1** - to continue with the current secondment working arrangements delivering the service in partnership with NYCC.
21. **Option 2** - to fully resource a dedicated school advisory team fully and invest to develop the service offer.
22. **Option 3** - to agree a formal partnership arrangement between NYCC and CYC with NYCC to deliver HR advisory services to York schools

### **Analysis**

#### **Option 1**

23. Secondments are normally a short term measure to address an immediate resourcing need. Continuing the secondment approach indefinitely would not achieve the benefits of a stable, permanent arrangement. The current agreement relies upon NYCC's willingness and ability to second staff to CYC on a long term basis.
24. This option also limits the ability to flex and be sufficiently agile to plan and respond to the changing education landscape and customer needs.

#### **Option 2**

25. To resource the HR schools advisory team structure and further develop the advisory offer to schools requires investment to generate income to support service delivery.
26. In a competitive market, it is unlikely, without investment, CYC could sustain a commercially viable offer to York schools to meet their needs.

27. It should also be noted that schools are testing the market place and have the option to put in place their own HR arrangements.

### **Option 3**

28. The transfer of the HR school advisory team to NYCC would offer schools a resilient service to support their HR requirements. This arrangement would enable CYC to maintain a strategic partnership and ensure the local authority can take a strategic role for school improvement across the city. CYC will continue to discharge our statutory duties as an employer.
29. This option will allow York schools to benefit from the investment NYCC has made into the staffing and operating model for their advisory service. The NYCC model offers dedicated specialist school advisers, supplemented by a HR helpline, to provide schools with experienced officers, with expertise in all school matters. This partnership arrangement would give the confidence that a sustainable, quality HR advisory service is available to York schools.
30. The transfer of CYC staff, combined with the current successful working arrangements, should support a positive partnership and more varied HR offer York schools. It also reflects the direction of travel to work in collaboration with authorities across the region to make best use of our combined expertise in a challenging financial environment.

### **Council Plan**

31. Outcomes achieved by the activities covered in this report help us to deliver priorities in the Council Plan 2015-19 in support of 'A prosperous city for all' ensuring the council supports schools and in turn children, to achieve their full potential.

### **Implications**

#### **Financial**

32. There are no known additional costs to CYC. The staff working in the schools advisory team would transfer to NYCC. NYCC would charge schools for the services they provide in line with their SLA.

## **Human Resources (HR)**

33. Staff in City of York Council and trade unions have been informally consulted. Should option 3 be approved, the council will comply with its obligations under TUPE (Transfer of Undertakings Protection of Employment Regulations 2006).
34. Any changes will be carried out in accordance with the council's HR Change Management policy and procedure.

## **Legal**

35. Legal Services at both councils have been consulted on the proposals and will draw up future legal agreements to support the partnership arrangements should Option 3 be agreed.

## **Information Technology (IT)**

36. There are no IT implications for CYC arising from this report. Work will be carried out to develop appropriate access and management systems to enable NYCC staff to use the systems applicable to each council. This arrangement is already in place for those staff seconded to CYC from NYCC.

## **Property**

37. There are no property implications. It is proposed that the NYCC will have the ability to work from West Offices.

## **Other**

38. There are no equalities or crime and disorder implications arising from this report.

## **Risk Management**

39. The partnership between CYC and NYCC proposal offers an opportunity to deliver efficiencies and an advisory offer to schools with increased capacity and resilience will be a challenge in the medium to long term. Should Option 3 not be approved, then the benefits of joint working may not be realised and the resilience of the CYC service could be affected.

## Contact Details

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Claire Waind Senior HR Business Partner Human Resources Tel No. 01904 554519	<b>Report approved</b>	√	<b>Date</b> 3.2.17
<b>Wards Affected:</b>		<b>All</b>	√
<b>For further information please contact the author of the report</b>			

**Background Papers** - None

**Annexes** - None