



**Public Service Association of NSW**

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In reply please quote: DA

6 October 2021

Ms Megan Osborne  
Acting Chief Executive Officer  
NSW Trustee & Guardian  
Justice Precinct Offices  
160 Marsden Street  
PARRAMATTA NSW 2150

**Attention:** Ms Michelle Batterham

**By email:** [megan.osborne@tag.nsw.gov.au](mailto:megan.osborne@tag.nsw.gov.au)  
[michelle.batterham@tag.nsw.gov.au](mailto:michelle.batterham@tag.nsw.gov.au)

Dear Ms Osborne,

**Public Guardian – Ways of Working restructure - Member feedback**

We refer to the above and now provide brief feedback and concerns received from our members regarding the restructure.

We acknowledge receipt of the following documents relating to the restructure:

1. Email from Ms Michelle Batterham, Director dated 21 September 2021 including -
    - (i) Letter to PSA dated 21 September 2021;
    - (ii) Public Guardian Change Management Plan (version 5) dated September 2021;
    - (iii) Organisation Charts – Attachments A and B.
  2. Email from Ms Batterham dated 1 October 2021 enclosing Frequently Asked Questions (FAQ) provided to staff on 30 September 2021;
  3. Email from Ms Batterham dated 1 October 2021 enclosing existing Role Descriptions (x25) and document listing Role titles;
  4. Email from Ms Nalini Sharma, Senior Manager dated 1 October 2021 enclosing amended FAQ's.
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We refer to our email dated 28 September 2021 requesting an extension of time by which to submit feedback on behalf of our members until Friday 15 October 2021. We also confirm our request for the department to provide a list of *'what is new and what changes have been made to the 25 new Role Descriptions'* (RD's). We confirm that our request for an extension was refused and your response that the department does not have a list of differences between existing RD's and the new RD's.

The Public Service Association of NSW (PSA) reiterates our serious concerns in relation to the department's refusal to allow an extension of time for our members to consider the extensive restructure materials and potential impacts upon our members.

We refer to our email to Ms Batterham dated 30 September 2021 regarding significant member concerns which have not been allayed by the subsequent meeting held on 1 October 2021. In short, those concerns included:

1. That there is considerable concern, anger and uncertainty in respect of the Change Management Plan (CMP) and the proposed changes to the 25 Role Descriptions;
2. The major concern expressed by members to the PSA last week was as to potential job losses and concern that the process will result in a 'spill and fill' despite the CMP statement that *'it is not expected that current employees within Public Guardian will need to be managed as excess employees as part of this change process'*;
3. Members have had difficulty analysing the **proposed 25 RD's** without access to current RD's to make an informed comparative assessment. We note your advice that the current RD's have been withheld from impacted staff on the basis that it would be 'too confusing'. We confirm that copies of the current RD's were belatedly provided to the PSA on Friday afternoon (1 October 2021) prior to the commencement of the long weekend / Public Holiday on Monday. Unfortunately our request for a comparative list of the current and new RD's has not been addressed by the department. This is contrary to proper, meaningful consultation as is required by the Award. It seems highly implausible that the department would not have prepared or have access to that information in the context of a \$41.5M restructure.

The PSA strongly disagrees with the statement regarding 'consultation' at page 7 of the CMP that *'NSW Trustee and Guardian has provided regular updates to the PSA through the Joint Consultative Committee on the Ways of Working review'*. We refer to our letter to Ms Megan Osborne, Acting Chief Executive Officer dated 16 August 2021 which identified the failure of the department to consult with the PSA in respect of multiple restructures including the current 'Ways of Working' restructure. Our urgent request for a copy of the relevant Change Management Plan was not addressed by the department until 5 weeks later with an expedited consultation response time period of 2 weeks ending today.

## Member feedback

Key concerns expressed by our members include the following examples:

1. *'The reorganisation is on a massive scale with huge implications for staff retention and career development let alone the 'customer experience ' of the TAG client establishment team to be transposed onto PG practices'*.
2. *'I am not supportive of the development of a Review and Response Team (a monitoring team) of guardians as presented to the organisation at the recent consultation sessions. My preference is for guardians to continue working in regional teams alongside senior guardians and principal guardians and with a fully allocated team caseload as currently occurs. The draft proposal presented suggests that 2 Principal Guardians will support a Review and Response Team (or monitoring team) of 17 guardians/senior guardians (15/2 split). I would envisage that the majority of new Public Guardian staff will commence work in this team also and with this in mind, the training, induction and supervision load will be significant, who will be responsible for this? 2 Principal Guardians cannot possibly manage the supervision of 17 guardians/senior guardians let alone induct and train onboarding staff. If the Public Guardian moves toward a guardian monitoring team (Review and Response Team), guardians will be segregated, separated and ultimately will be deprived of the opportunities that my fellow Team guardians and myself have had over many years. I fear my fellow guardians and myself will be deskilled and we will also be deprived of career development opportunities including temporary assignment opportunities'*.
3. *'The Draft Proposal speaks to the creation of an additional 2 regional teams, increasing the number of regional teams to 5 in lieu of the current 3. Alternatively, the addition of 3 guardians to each of the 5 regional teams (15 guardians) as opposed to the development of a Review and Response Team will address the supervision, training and induction requirements of the organisation, it will also address career development for guardians. Guardians working within the regional teams could carry predominantly monitoring caseloads but with the addition of more complex clients to learn and upskill. Ultimately this will create knowledgeable guardians and competitive candidates for future career development opportunities within the organisation. Does not the Public Guardian have a purpose to protect and promote the professional development of staff to meet the capability framework? Does not the Public Guardian want to promote within its skilled workforce moving forward?'*
4. *'As far as the Public Guardian's clients are concerned, a Monitoring List does not represent quality customer service. The Public Guardian's clients/customers benefit from a dedicated guardian who is familiar with their client and their situation, a guardian who is approachable, contactable and knowledgeable representing quality customer service. The NSW Trustee and Guardian rolled out*

*the Customer Excellence Program last year. The aim of the Program was to reposition the organisation as customer-centred, so every customer received a personalised service that was empathetic, insightful, convenient, timely and valuable, be they in the next desk or a member of the public. A Monitoring List does not represent excellence for the Public Guardian's customers, to the contrary it represents a negative customer experience'.*

5. Client Specialist Centre (CSC) -

- *'The RD's have been generalised to remove reference to the specialised nature of the roles and job capabilities increased - despite no changes to staff tasks/ functions being communicated in proposed operating model or in consultation sessions.*
  - *Staff have been refused undertakings for direct placement against positions*
  - *The manager's workload has been doubled -a second team of 7.5 staff has been added but no information has been provided as to the rationale for the doubling of workload or the function or operation of the new team*
6. *'The implementation plan has caused distress and confusion at a difficult time for staff, is not consistent with the undertakings given to staff and does not represent the feedback provided to the Executive regarding (1) the need for less direct responsibility for managers; (2) lower caseloads for CSOs and (3) the provision of technical training staff from induction and ongoing.*

*Given that, consideration should be given to:*

- (i) *That the 'fill and spill' restructure plan is unnecessary to achieve the addition of the new positions and be abandoned.*
- (ii) *That staff be provided with the usual opportunity to be directly appointed to their substantive positions in existing teams and/or to nominate for existing positions in a first round. There is no reason to suggest that experience will not be spread over the structure given the number of existing staff and number of new starters.*
- (iii) *That accurate precise information be provided explaining the **changes** to the position descriptions -and why they have been made; and that the function and location of the positions in the proposed plan be identified so that staff are aware of the actual detail of the operating model and of the positions available.*
- (iv) *That information be provided as to the number of matters allocated to each position or shared positions. This is a crucial issue for staff and the subject of considerable negotiation in the past. It is not acceptable to deny staff access to these calculations which should have been central to implementation planning.*

- (v) *That an explanation be provided as to why no positions have been designated for a technical training unit when it was identified as a crucial resource for managers and staff.*
  - (vi) *Why the long term team ("Low contact team") model has been abandoned when it has proven indispensable to provision of basic services and advocacy to very vulnerable clients, for over 30 years of the organisations' operation, and when 95% of the staff who provided feedback supported the specialist team approach'.*
7. *'I think the roles were reviewed through the lens of the new organisational structure. For PG they seem to have mainly raised the level of capability eg from foundational to intermediate which actually has an impact on how people write the PDP goals. If the current PDP is not aligned to the new capabilities criteria for meeting the performance measures then those staff will be unable to demonstrate how they are meeting them'.*
  8. *'The FAQs have helped but there is a a lot of information in a very short time about significant changes. Staff are enthusiastic but the scope is so large. There are concerns about how the roles will transfer and what the processes will be. There is a gap between the capabilities in roles at same grade – this has created anxiety. People think will I be able to meet these increased capabilities. People do not understand the process – just told it will be managed by people and culture against their own performance and capabilities. This has created uncertainty and needs to be unpacked. Changes to team structure and supervision responsibilities is also concerning. Other teams in the structure have lower supervision standards'.*
  9. *'Staff would like more information about the process of assessment to move into new roles'.*
  10. *'Is there a risk that some will not fit into the structure? How will staff preferences be considered?'*
  11. *'Staff want to be involved in the process and they are distressed by this process. They are building PDPs at the moment and staff really want to be reassured and be provided with more information'.*
  12. *'Staff what to know what they can do now to meet these changed capabilities because this may not already be in their role description'.*
  13. *'What is the capacity for this information to be provided more transparently to the PG staff? Staff would like to understand better these processes and giving*

*information about professional development opportunities and movement within the teams then this would be reassuring to staff*.

14. *'When outcomes are determined about placement, is there any appeals process or can these placements be challenged? What about in step 1 regarding over prescription of those applying in location and role? It is about this process that staff do not understand this process and may need to be provided with a better understanding of this. There would be value to explain what 'preferencing' looks like'.*

We anticipate that the PSA will continue to receive ongoing feedback from our members impacted by the restructure and therefore we invite the department to consider any subsequent feedback received. We refer to the meeting between management and PSA representatives held on Friday 1 October 2021 and confirm your advice that there is currently no defined timeframe for consideration of feedback and implementation of the CMP. Therefore this should reasonably afford some ongoing flexibility in order to permit continuing consultation between the department and the PSA on behalf of our members.

Should you wish to discuss any of the above, please contact Déan Allen, PSA Industrial Officer on telephone 1300 772 679 or by email [dallen@psa.asn.au](mailto:dallen@psa.asn.au).

Yours faithfully,



**Dean Allen**  
for **STEWART LITTLE**  
**GENERAL SECRETARY**