



Public Service Association of NSW

General Secretary Stewart Little **President** Nicole Jess

160 Clarence Street, Sydney NSW 2000 GPO Box 3365, Sydney NSW 2001

☎ 1300 772 679 📠 (02) 9262 1623 ✉ psa@psa.asn.au 🌐 www.psa.asn.au **ABN** 83 717 214 309

In reply please quote: DA:mb

15 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
michelle.batterham@tag.nsw.gov.au

Dear Ms Osborne,

Re: NSWTG – Estate Management Restructure - Member Feedback

We refer to the above and now provide brief feedback and concerns received from our members regarding the Estate Management ('EM') restructure.

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

1. Email from Ms Michelle Batterham, Director dated 27 September 2021 including -
 - (i) Letter to PSA dated 23 September 2021;
 - (ii) Public Guardian Change Management Plan (version 4) dated September 2021;
 - (iii) Organisation Charts – Attachments A and B.
2. Email from Ms Michelle Batterham, Director dated 21 September 2021 enclosing 48 draft Role Descriptions;
3. Email from Ms Batterham dated 7 October 2021 enclosing Frequently Asked Questions (FAQ);
4. Email from Ms Nalini Sharma dated 14 October 2021 enclosing additional FAQ.

On 28 September 2021 the PSA requested an extension of time to submit feedback on behalf of our members until Friday, 22 October 2021 and we confirm that the Department is only prepared to accept feedback by Friday, 15 October 2021. Despite this, we note your advice in the meeting between the Department and PSA representatives on 13 October 2021 that there is no set timeframe for the Department to collate and respond to feedback received in the course of the restructure.

We confirm that the Department has not provided a comparative list of changes made to the 48 Role Descriptions.

The Public Service Association of NSW (PSA) reiterates our utmost concern 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 confirm that the PSA has received significant member concerns which are summarised as follows:-

1. That there is considerable concern, anger and uncertainty in respect of the Change Management Plan (CMP) and the proposed changes to the 48 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 Estate Management will need to be managed as excess employees as part of this change process'*.

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 Estate Management 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 Estate Management restructure. Our urgent request for a copy of the relevant Change Management Plan was not addressed by the Department until 6 weeks later with an expedited consultation response time period of 2 weeks ending on Friday, 15 October 2021.

Member feedback

We confirm that Ms Christine Edmondson, PSA delegate has separately forwarded detailed feedback directly to Ms Nailini Sharma, Senior Manager, People and Performance in respect of the 48 draft Role Descriptions ('RDs') by email dated 14 October 2021. We reiterate that Ms Edmondson's correspondence identifies among other matters that there are examples of a significant increase to capabilities; the draft RDs reveal numerous inconsistencies and in the example of the PCSO draft RD, the capabilities have been set too high compared to the Manager who the PCSO reports to.

Additionally, we confirm that an email was forwarded from each of the EM teams to Ms Megan Osborne, Acting CEO on 8 October 2021 detailing six major concerns from various members within those teams. The correspondence indicates that *'each unit will be making separate representations on concerns regarding their particular circumstances'*.

Key concerns expressed by our members include the following examples:

1. *'How many people will be impacted by the talent pools and can this information be made available to the PSA to consider impacts upon the members?'*
2. **Role Descriptions –**
 - (i) *'It would appear that it is the 7/8s and Senior Managers with the most changes – the Managers roles have actually been downgraded because the capabilities in their current RD are more than prescribed by the Public Service Commission '.*
 - (ii) *'Why have the current RDs been removed by the Executive and can they be restored to Sharepoint?'*
3. **Grade 3/4 roles –** *'The early recruitment of three 'establishment' grade 3/4 roles (will become Foundation in the new structure), and using this recruitment as a talent pool really is quite problematic for NSW TG for the following reasons:*
 - (i) *Recruiting against a current role description should mean, according to the FAQs, that any talent pool created will not be used. Using the changes as a reason to assess the entire workforce becomes redundant if you follow the reasoning of this recruitment*
 - (ii) *If the role description changes prior to the selection process then surely this brings into question the validity of the applications – if current 3/4s need to be assessed and placed due to the changes then how would this work for people in the middle of recruitment?*
 - (iii) *As the resulting staff have been recruited against an old role description, if they are employed prior to the new structure commencing, they will also have to be placed with all other permanent employees as per the CMP.*
 - (iv) *NSW TG is actually recruiting for roles that will likely no longer exist by the time the recruitment process is finished – is this lawful?*
 - (v) *As each new 3/4 role description is different and not the generic 3/4 being advertised, so in reality NSW TG wants to apply the GSEs allowance for assessment of capacity at grade across different role descriptions with similar functions and capabilities for the 3/4 talent pool staff...but not for current staff or those on current talent pools'.*

4. **Change Management Plan** – The reference to ‘*redundancies where there may be an ‘excess of staff’ – doesn’t this contradict the advice that there are only additional roles and therefore why would there be excess staff – it is not referring to people who cannot meet the performance criteria under their role? ...how many temporary positions there are and how long the employee has been in a temp position – in PG some temp positions have been held for several years and surely that must be given weight in stage 1 recruitment – allowing for someone in a temp role less than 12 months possibly?’*
5. **Client Specialist Centre (CSC)** [This extract and the subsequent paragraph were both inadvertently included in separate PSA correspondence dated 6 October 2021 in respect of feedback to the Public Guardian – ‘Ways of Working’ restructure] -
- *‘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 organisation's operation, and when 95% of the staff who provided feedback supported the specialist team approach'.*

7. Request 'to ensure that as part of the Estate Management Review:

- (i) *That a 'fill and spill' at any grade is rejected.*
- (ii) *That as is reasonable and usual process, that any person in an ongoing position be placed at grade in their current posts wherever possible, and if this is their preference, notwithstanding their desire to seek promotional opportunity if available.*
- (iii) *No position descriptions be changed until there is an opportunity to evaluate the impact of new positions and that they are appropriately consulted*

There will be more jobs than people in the proposed new structure. Yet, the organisation has indicated that 'impacted' staff would need to compete for their jobs. We have not been told who impacted staff are at this stage nor their basis for making them impacted staff. The only information available to us at this stage is what would appear to be irregular, unexplained changes to role descriptions and capabilities'.

8. 'Concerns with Proposed Operating Model and Proposed Changes to Job Descriptions

Proposed Operating Model

The proposed Operating Model and the functions it proposes for the 'Onboarding', 'Proactive', 'Finalisation' and 'Client Specialist' Teams' (CSC) are the functions we currently undertake. These teams have merely been re-named and reshuffled to either make them larger or smaller. Staff in the current 'Low Contact Team' also perform the same duties as those indicated in the proposed main teams. There has been no communicated change to the role or function of the Customer Specialist Centre, either in size or function, as per the proposed new Operating Model.

The proposed Operating Model suggests the only roles with new functions being introduced are located in the Practice & Strategy Team (13 roles), Workforce Support Team (4 roles), Customer Independence Team (2 roles) and about 11.5 additional ½ grade administrative support roles.

Information about potential caseload numbers in the proposed new structure has not been made available to staff yet.

Current position descriptions for roles have not been made available to staff as part of the consultation process for comparative purposes. Locating these documents on the organisational SharePoint site is difficult.

9. Proposed Role Descriptions

There has been no explanation, consultation nor communication to staff (including in consultation documents – Proposed Operating Model Report dated 27 September 2021) about any significant changes to staff's duties, functions or responsibilities to warrant any significant changes to their job descriptions or capabilities required for the job.

We have not been informed about what workload or other analysis has taken place in determining the revised role descriptions.

No explanation has been given about whether the proposed changes are fair or reasonable and whether they correspond with industry standard or inter organisational capabilities or requirements such as those of the Public Guardian's, which are also currently under review and not accessible to Estate Management staff.

We have not been informed about which specific additional duties/responsibilities correspond with proposed upgrades to the capabilities. For instance, proposed changes to grade 7/8 roles would see an upgrade in capabilities as follows:

- *Act with Integrity from Intermediate to Adept*
- *Work Collaboratively from Intermediate to Adept*
- *Finance from Intermediate to Adept*
- *Manage and Develop People from Intermediate to Adept*
- *Inspire Direction and Purpose from Foundational to Intermediate*
- *Optimise Business Outcomes from Foundational to Intermediate*
- *Manage Reform and Change from Foundational to Intermediate*

Inexplicably, the Manager's capabilities in the proposed role description changes have seen a decrease in their capabilities, in 6 instances, with the Finance Capability being reduced to a lower capability than their direct reports (7/8).

No explanation has been given for instances where workload has been significantly increased.

No explanation has been given for the omission of key accountabilities where responsibility remains delegated to that role in organisational policy.

10. Change Management Plan: Are there any other avenues of appeal that should be noted here?

The only avenue for appeal for disgruntled staff members is through Senior Executive on process grounds only. What other options do staff have?

11. Client Specialist Centre (CSC)

• ‘Removal of Specialist Function from Proposed Job Descriptions

CSC’s responsibilities are reflected in the role descriptions which were reviewed recently in January 2021 for 1/2, 3/4 and 5/6 and in June 2021 for 7/8.

The CSC team has existed within the organisation, as a cash dispensing facility by its various names, for over 20 years, servicing our most vulnerable customers.

While there have been no communicated or consulted changes to the CSC Team, including its name, staffing, its role and function in the proposed operating model and at consultation sessions, the proposed RDs for this team have changed, removing the specialist nature of the roles. On what basis?

Key accountabilities and functions, which currently exist have also been removed from the proposed RDs, while there has been an increase and upgrade in others, without explanation or consultation about which proposed new duties or responsibilities correspond or warrant these changes.

In addition to the removal of the Specialist features of the CSC in the proposed role descriptions, no explanation has been given for the following:

- **Removal of the supervisory function of the cash handling operation from the CSC PCSO role:** this function has been removed from the proposed role description, despite this function continuing to exist and despite policy delegating this role to undertake this function. This function corresponds with the existing ‘Finance’ Capability of the role description and its removal denies the current role holder of this expertise/skill.
- **An increase and/or upgrade in 7 of the Job Capabilities for the PSCO’s role:** there has been a significant increase in the Job Capabilities for the PSCO role descriptions, without there being an explanation of which new duties or responsibilities warrant or correspond with these changes. **It is understood that the current RD capabilities at this grade comply with GSE Act requirements and the proposed capabilities are inexplicably at the extreme end of the scale.**

We have not been given an explanation for these changes - why they are warranted or how they correspond with proposed new duties or responsibilities.

We have not been advised what comparative analysis has been undertaken in proposing these changes and to ensure the proposed capabilities are warranted and fair, particularly at an inter-organisational level– including proposed job capability criteria for our counter-part substitute decision makers at the Public Guardian’s Office?

- ***An increase in direct reports for the PSCO (Client Specialist Centre) from 6 to 9, whereas in other teams, direct reports are proposed to range between 4 to 6 (Customer Independence & Proactive/Foundation, respectively).***

Given that there has been no communicated change to the role or functions of the CSC Team, can you please advise why ongoing staff within this team cannot be directly appointed to their current roles?

Other Comments

Low Impact Team

There has been considerable staff discomfort with the disbanding of the Low Impact Team, for which its retention as a specialist team was overwhelmingly supported by staff in the recent engagement sessions.

For staff, the concern is that the disbanding of this specialist team will result in unmanageable workloads (an additional 2500 approx. customers) spread across the proposed ‘proactive teams’, without any meaningful analysis of the impact having been communicated to us.

Case Load Numbers

There is considerable concern that the proposed Operating Model will result in increased caseload numbers for staff, despite the intention being for smaller teams and smaller caseloads. Given that caseload information has not been made available to staff as part of this process, it is difficult for staff to provide meaningful feedback on the proposed Operating Model and how it impacts on them.

Additionally, we have not been informed of the details of the proposed duties and responsibilities of the proposed new role descriptions and what workload assessments have been carried out to ensure they are manageable.

Request to retain people in current roles they are undertaking where there has been no significant change to their duties:

- *Provides as little disruption to customers and business processes*
- *Ensures that specialist knowledge is not displaced*
- *Limits the requirement for re training and upskilling of staff at a time of significant organisational change*
- *Reflects the organisation's commitment to staff in their Our People strategies'.*

12. The FAQ document:

- (i) *'... mixed messages and inconsistent advice. How can you apply against the current role description and then work under the new one?'*
- (ii) **Do you have a list of the changes made to the role descriptions? – No ... proposed roles ... are considered new –**
- (iii) **The role descriptions are different for every role within the new structure (replacing the generic ones) will I need to apply for each position ie customer foundation, proactive etc - 'This is problematic for the matching process – can staff nominate a role of preference like the PG restructure?'**
- (iv) **Will talent pools be used? - No – as the roles are now different - Except the early recruitment of grade 3/4 CSOs – this will be considered in the recruitment process – 'this talent pool will be activated to fill roles in the new structure, because the recruitment is to a talent pool and will be based on the new role description") This is not true. The current recruitment is being done against the current role description. How could they recruit against a new role description as the recruitment finishes on 10.10.21 but consultation finishes on 15.10.21 and then there is the consideration timeframe - I take real exception to this. If a current role description is being used to fill a talent pool for one grade that will be activated for employment in the new structure then all the current talent pools should be opened. You cant have it both ways'.**
- (v) **Redundancy – majority of staff will be placed – 'why not all?'**
- (vi) **Is this a spill and fill - difference between a spill and fill approach and this process is that in a spill and fill everyone has to apply for a role in the new structure. This won't be the case as we are trying to place as many people in roles as possible – 'I don't understand why you could not place everyone when there are 52.5 new roles?'**

13. *'How will I be placed in a role and who is making that decision? What say do I have and how can I appeal the decision if I do not agree with it?'*

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 in light of your advice that there is no set timeframe for the department to collate and respond to feedback.

Should you wish to discuss any of the above, please contact Dean Allen, PSA Industrial Officer on telephone 1300 772 679 or by email dallen@psa.asn.au.

Yours sincerely,

A handwritten signature in black ink that reads "Dean Allen". The signature is written in a cursive, flowing style.

Dean Allen
for **STEWART LITTLE**
GENERAL SECRETARY