

4 September 2020

DOC20 / 95747

Mr Matthew Drake-Brockman
Industrial Officer
Community and Public Sector Union NSW

By Email: mdrake-brockman@psa.asn.au
No. of Pages: 4 (excluding Enclosed Attachments (Annexures A – B))

**Response to CPSU NSW Dispute Notification about
TAFE NSW Organisational Design and Change
Systems Group (formerly Information & Communication Technology)**

Dear Matthew,

On behalf of the Technical and Further Education Commission t/as TAFE NSW, I write in relation to the proposed organisational design and change in the Systems Group, formerly known as Information & Communication Technology (ICT), in particular, the notification of a dispute by the Community and Public Sector Union NSW (CPSU NSW) on 6 August 2020, pursuant to clause 8 – Dispute Settlement Procedure, of the *TAFE Commission of NSW Administrative, Support and Related Employees Enterprise Agreement 2019 (Enterprise Agreement)*.

The purpose of this written correspondence is to respond again to the specific issues raised in the dispute notification email received by TAFE NSW on 6 August 2020 and to outline TAFE NSW's position in relation to the dispute. This follows the series of recent meetings between TAFE NSW and the CPSU NSW which have continued over recent weeks since the defined consultation period about the draft Change Management Plan (CMP) which started on 25 June 2020 and concluded on 31 July 2020.

Dispute Notification

The dispute notification sent to TAFE NSW via email on 6 August 2020 after the consultation period referred to four (4) matters related to specific elements of the draft CMP for the Systems Group, namely:

1. Merit Selection during Step 2 of the Placement Process.
2. Mapping to roles at Step 1 and 2 of the Placement Process.
3. Location of positions in the new structure.
4. Reduction of field support staff/workload.

With respect to the above matters and notwithstanding the numerous discussions that have taken place in recent weeks between TAFE NSW and the CPSU NSW in an attempt to resolve any issues, TAFE NSW submits that the above matters are not matters that can be dealt with pursuant to Clause 8 of the Dispute Settlement Procedure in the Enterprise Agreement. Specifically, TAFE NSW does not consider the four (4) matters above as relating to a dispute which can be brought pursuant to sub clause 8.2 of the Enterprise Agreement. This is because the issues raised relate to specific

elements of the draft CMP for the Systems Group which concern the Placement Process for redeployment and the location of positions in the new structure. These issues are neither matters under the Enterprise Agreement nor matters under the National Employment Standards which could enliven the Dispute Settlement Procedure at Clause 8 of the Enterprise Agreement.

Notwithstanding the above, since receiving notification of the dispute on 6 August 2020, TAFE NSW has continued to meet with the CPSU NSW in good faith on multiple occasions as part of its commitment to consultation and in an attempt to resolve each of the four (4) matters outlined above. Over this period TAFE NSW has considered the matters raised by the CPSU NSW and subsequently responded numerous times, both verbally during the meetings and in writing. A summary of the meetings between the parties is **enclosed** to this correspondence, see **Annexure B**.

Summary of TAFE NSW's position

Following the meetings and correspondence outlined above, TAFE NSW again confirms its position in relation to the matters subject to the dispute. It is noted that a new issue was raised earlier this week on 1 September 2020 regarding whether the CMP had been provided to the NSW Minister for Skills and Tertiary for sign off to which TAFE NSW subsequently responded to in writing on 2 September 2020. A summary of each matter and TAFE NSW's position is set out again below as follows:

- 1. Merit Selection at Step 2 of the Placement Process:** TAFE NSW confirms that with respect to Step 2 – Pooled Assessment - eligible permanent employees will rank ahead of eligible temporary employees. We understand the CPSU NSW is satisfied with this clarification and the matter is no longer an issue.
- 2. Mapping to positions at Step 1 and 2 of the Placement Process:** TAFE NSW maintains that mapping from current to future state positions at Step 1 and 2 of the Placement Process will only occur at the same grade which has been the practice over the past several years during organisational design and change at TAFE NSW, that the CPSU NSW has been notified and consulted about. Employees will be eligible to seek opportunities in any vacant higher graded roles at Step 3 (Internal merit selection) of the Placement Process, prior to any position being advertised in the external market which is Step 4.
- 3. Location of new roles should be fixed or restricted with Regions:** TAFE NSW contends that one of the biggest benefits to employees with the proposed structure is the location negotiable aspect of each position. This means each employee can apply for a position, regardless of where they work. This goes to the overall intent and objective of the Systems Group in that we enable our people to work anywhere using contemporary technology solutions. Given we remain perplexed why the CPSU NSW would continue to argue to the contrary, TAFE NSW maintains its position that location is negotiable for all positions.
- 4. Reduction of field support staff/workload:** To support the delivery of services to TAFE NSW customers and staff, particularly in light of the COVID-19 impacts, the Systems Group team established a dedicated technology support service for student to enhance technical support provided to students and to assist front line teaching staff. The Systems Group Management team partner closely with the Student Services Management team to ensure collaboration and adequate support across teams, to ensure the Systems Group functional responsibilities are carried out by Systems Group teams. We note the CPSU has indicated that they intended to

provide examples of their concerns for TAFE NSW to consider and respond to however these have not been forthcoming.

- 5. Updating the Minister about the Change Management Plan:** TAFE NSW has already responded to this question via email this week on 2 September 2020 to advise that TAFE NSW has briefed the NSW Minister for Skills and Tertiary Education on an updated CMP for the Systems Group. This was important given that the formal consultation period for the proposed changes closed more than a month ago now on 31 July 2020 and there has been a significant amount of employee feedback received which has been taken into consideration and subsequent changes have been made to the draft CMP by TAFE NSW as a result of this feedback. As clarified in my earlier email the Minister has not been asked to sign off on the updated CMP as part of this briefing. As communicated to all employees and the CPSU NSW, TAFE NSW will distribute a thematic response outlining the changes to the proposed structure and position descriptions as part of the final Change Management Plan. This is expected to occur during September 2020.

Consultation

The above issues follow on from an extensive consultation process which TAFE NSW has conducted with employees and the CPSU NSW about the proposed organisational change for the Systems Group. This process commenced on 25 June 2020 and ran for more than five weeks concluding on 31 July 2020. During this time TAFE NSW utilised a range of different forums for consultation including group information sessions with employees and the CPSU NSW, change readiness sessions, 1:1 meetings for employees with System Group leaders, online question portals and FAQs. A summary of the notification and consultation process between TAFE NSW and the CPSU NSW is **enclosed** with this correspondence, see **Annexure A**.

In addition to the feedback received from the CPSU NSW during the consultation period, TAFE NSW received more the 470 pieces of feedback from employees via the consultation portal demonstrating an effective engagement process. The consultation process was a highly valuable exercise which allowed employees to ask questions about the proposal and submit their feedback on the proposed changes. As a result of the significant amount of feedback received from employees and the CPSU NSW, TAFE NSW has made numerous changes to the draft CMP which will be reflected in the final change management plan presented to employees during September 2020.

Next Steps

TAFE NSW sincerely thanks the CPSU NSW for engaging in consultation from 25 June to 31 July 2020 about the proposed organisation design and change in the Systems Group. From TAFE NSW's perspective the consultation process with the CPSU NSW has been extremely productive because it has identified issues of concern and enabled a discussion to occur about them with the aim of allaying those concerns.

Notwithstanding any concerns that may remain for the CPSU NSW, based on the consideration and responses provided by TAFE NSW during the meetings that have taken place between the parties, as well as the information expressed in written correspondence to the CPSU NSW, including this letter, the process of consultation has now been exhausted. TAFE NSW has complied with its obligations under the Enterprise Agreement and has continued to try and resolve issues of concern for the CPSU NSW where possible, even after the end of the defined consultation period from 25 June to 31 July 2020. TAFE NSW invites support from the CPSU NSW as it works towards implementing the One TAFE vision to be a strong, innovative, flexible and responsive publicly-owned vocational education and training provider.

Queries

If you have any queries about the information in this written correspondence and/or enclosed attachments please do not hesitate to contact me by phoning 0422 432 888 or by sending me an email to James.Canavan3@tafensw.edu.au.

Yours sincerely



James Canavan
R/Manager Industrial Relations
TAFE NSW

Enclosed Attachments (Annexures A and B):

Annexure A – Summary of Notification and Consultation Process between TAFE NSW and the CPSU NSW.

Annexure B – Summary of Dispute Meetings between TAFE NSW and the CPSU NSW.