

## **APPENDIX 3 - Transfer of activities and posts to Sport Aberdeen**

REPORT TO DIRECTOR: Gayle Gorman – Education, Culture & Sport  
DATE: 9 December 2014

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to advise the Director on the detail of the implementation the Council's decision with regard to the report on the Councils Organisational Review. This was agreed by Council on 20 August 2014 and in relation to this report is with specific regard to the planning & development of sport.

### **2. RECOMMENDATION(S)**

2.1 It is recommended that the Director:

- a) note that a review of the functions potentially affected by the Council's decision to enhance its relationship with Sport Aberdeen has been undertaken;
- b) note the findings of that review and agree that activities which currently form the duties of four posts within the Education, Culture & Sport Directorate should transfer to Sport Aberdeen in order to fulfil the Councils decision;
- c) note that the implications of this are that TUPE regulations apply in respect of these posts (section 5.9 of this report);
- d) note the requirements, in conjunction with the HR Service to liaise with the staff affected and the Trades Unions to progress the process of transfer;
- e) note the the detail of potential issues as outlined in section 6 of this report and remit these to the appropriate HOS to be progressed; and
- f) otherwise note the content of the report.

### **3. FINANCIAL IMPLICATIONS**

3.1 There are financial implications in as much as an adjustment and redrafting of the agreement with Sport Aberdeen will be required. This should have a net nil effect on the Council's budget.

### **4. OTHER IMPLICATIONS**

- 4.1 There will be legal implications in terms of the review and redrafting of some elements of the existing agreement with Sport Aberdeen.
- 4.2 The transfer of the activities referred to in this report, and the posts that deliver these activities, are considered to be subject to TUPE regulations and consequently will require the input of the HR service.

## **5. BACKGROUND/MAIN ISSUES**

5.1 The Council has delivered much of its sport, activity and leisure services by means of a number arms length trusts for some time. The existing arrangements are by means of agreements with:

- Aberdeen Sports Village Limited (in conjunction with the Court of the University of Aberdeen)
- Garthdee Alpine Sport
- Sport Aberdeen

The largest of these agreements is with Sport Aberdeen and this is where the bulk of the Council's former directly delivered Sport and Leisure Services sit.

The Council undertakes partnership working on a smaller scale with other organisations, for example Aberdeen FC.

5.4 In June 2010 the Council's Finance & Resources Committee agreed a Transfer Agreement and a Funding & Service Provision Agreement to commence on 1 July 2010 with Sport Aberdeen. This was to be for a period of 10 years.

5.3 Since taking up post the Chief Executive has undertaken a review of the structure of the organisation in order to maximise a number of opportunities and to respond to a range of internal and external drivers. The Council has considered and agreed these proposals but in some cases has agreed that some further work is required on the detail of some aspects.

5.4 In section 5.7.11 of her report to Council on 20 August 2014 (OCE/14/034), the Chief Executive set out the proposition of a clearer and simplified alignment of sport development and planning through a refined and slightly extended role for Sport Aberdeen. It was agreed that further detail of this refinement and assessment of, for example TUPE implications, would be the subject of further reflection. This report will cover this additional work.

5.5 The proposal moves beyond what might in the past may have been viewed as a client/contactor relationship. This is an evolved position for the Council and Sport Aberdeen. It builds on the relationship to

date and sees Sport Aberdeen as the principal means by which the Council will plan and develop sport and activity for the City. A parallel to this relationship may be the example of alignment of health and social care functions within a new partnership arrangement and under the direction of an appropriate accountable officer.

5.6 In this new and evolved context, the place of Sport Aberdeen, and how it discharges some of what flows from this enhanced remit will require further detail and processes to be developed. In addition, it might be considered that some additional opportunities to enhance provision in the City and in turn streamline or better align the management of these will arise. These will be referred to later in this report.

5.7 Following the transfer of services to Sport Aberdeen, the Council retained a number of functions within the Education, Culture & Sport Directorate. These could broadly be described as being in the areas of strategic oversight and development, partnership development, aspects of external funding and development of wider opportunities. There are also some residual operational functions. This was in addition to the monitoring of contracts through reporting by the Directorate SMT to the Education, Culture and Sport Committee.

5.8 Four posts deliver the broad areas outlined above. The designations of these posts are as follows:

Sport & Physical Activity Partnership Manager  
Sport & Physical Activity Partnership Officer  
Sport & Physical Activity Development Officer (Vacant)  
Community Sports Hub Development Manager (Fixed term, externally funded)

5.9 In the enhanced and improved environment and extended working arrangements that the Council is intent on securing, the Council has identified an opportunity to evolve its relationship with Sport Aberdeen and enhance the role that the organisation takes on the Council's behalf. This builds on the past practice of Sport Aberdeen being seen as the delivery mechanism for Sport and Activity in the City to one where it moves overtly to become the agent and means by which the Council, will develop and deliver the Strategy for Sport and Activity for the City. In effect a further integration of activities.

5.10 Having reviewed the aspects of activity currently retained within the Education, Culture & Sport Directorate, it is considered that the activities and duties of the four members of staff should transfer to Sport Aberdeen. In the enhanced environment and extended relationship that Council envisages, this will provide the means for Sport Aberdeen to deliver the enhanced role the Council seeks. This will equip Sport Aberdeen to meet the Council's expectations around operational, developmental and strategic functions

5.11 In light of the all of duties of these posts being recommended as transferring to Sport Aberdeen, it is considered that TUPE regulations therefore apply and that a process of consultation and review with the staff and Trades Unions concerned will require to be instigated.

5.12 The formal monitoring and reporting of performance to Committee, previously undertaken by members of the Directorate SMT shall now be undertaken through the Corporate Unit established for this purpose. Sport Aberdeen will be key to supporting this and in developing the appropriate relationships with other arms lengths bodies. The Director has been in discussion with SportsScotland and they have also agreed to commit time and expertise to support and develop the enhanced relationship and opportunities.

## **6. ISSUES & OPPORTUNITIES**

6.1 As referred to briefly above, the enhanced role for Sport Aberdeen will require some additional detailed work between the organisation and the Directorate. This will be in relation to the detail of some areas of operational interface but in reality it is envisaged that this will also bring areas of opportunity. This will be in areas where enhanced service provision may be available and certainly simplified and improved customer service can be achieved. Examples of these aspects may be as follows:

- More regularised interface with the Assets and Finance Team of the Directorate around estates and property issues;
- Greater consistency and clarity around booking and letting of facilities;
- Consideration of moving to online booking;
- More consistent management and potential longer term development of sports and activity accommodation in school;
- Simplification and improvement of maintenance regimes for sports pitches and related areas;
- Greater consistency of health and safety approaches, training etc. (e.g. around the management of school based swimming pools)

## **7. IMPACT**

Corporate

The enhanced relationship will bring benefits in many aspects of planning and coordination for the City. A single point of contact with responsibility for Strategic Planning as well as aspects of delivery will support the development & delivery of Community Planning, and the delivery by wider partners of the Single Outcome Agreement

This opportunity and approach will also be evident with the Council's own planning and performance management processes.

In time the opportunity to better coordinate provision for the City will be available. This and other aspects of the relationship will aid the City in bidding for external funding and other support.

Public

The public should see improved coordination of services and will benefit from a single point of contact on sport and activity.

As the Council has already established Sport Aberdeen and this step is an enhancement to this existing relationship it is not envisaged there are any other implications in this aspect.

## **8. MANAGEMENT OF RISK**

Given this proposal builds on the arrangements the Council has already established with Sport Aberdeen, I do not identify any other risks associated with this transfer of activities.

## **9. BACKGROUND PAPERS**

Chief Executive's Report to Council of 20 August 2104. (OCE/14/034)

## **10. REPORT AUTHOR DETAILS**

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