

**PORTFOLIO AREA: CROSS CUTTING**

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Date of Meeting: 30th AUGUST 2005

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Public

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Key Decision: No

Recorded in Forward Plan: Yes

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Inside Policy Framework

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**Title:** RE-ORGANISATION OF THE MANAGEMENT STRUCTURE OF  
CARLISLE CITY COUNCIL – STAGE ONE (2<sup>nd</sup> Report)  
**Report of:** TOWN CLERK & CHIEF EXECUTIVE  
**Report reference:** CE 21/05

**Summary:**

Following the report of the Town Clerk & Chief Executive to the Executive on 1<sup>st</sup> August (Report Reference CE 18/05), this report seeks the Executive's recommendation to full Council for approval of the proposals for the new management structure, the new senior management posts within Stage One, the appointment procedure for these posts and the framework for Stage Two of the re-organisation process.

**Recommendations:**

That the Executive recommends that full Council approve:

1. That the Town Clerk & Chief Executive be authorised to implement the following:
  - a) The proposals for the new management structure as set out in this report at 2.0 and outlined in Appendix 1.
  - b) The appointment process for the new senior management posts, which will establish the new Senior Management team.

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

- c) The framework within which Stage 2 of the re-organisation of the management structure will progress.
  - d) The necessary transitional arrangements to secure continued service delivery.
- 2. It be noted that, for the purposes of the Council's constitutional arrangements, the Authority's Chief Officers will be the Town Clerk and Chief Executive, the Deputy Chief Executive and four Corporate Directors referred to in this report, and that the appointment of these and any other posts consequential on these proposals will be in accordance with the Council's Officer Employment Procedure Rules and the matching 'Appointment and Assimilation Protocol' (Appendix 2).
  - 3. That the Head of Legal and Democratic Services be authorised to make any necessary amendments to the Council's Constitution to incorporate any changes resulting from acceptance of the proposals.
  - 4. That it be noted that the Leader of the Council will address any revisions which might be required to his Scheme of Delegation to reflect the revised Officer and Managerial arrangements.

**Contact Officer:** Maggie Mooney

**Ext:** 7002



## **1. INTRODUCTION**

- 1.1 The rationale for the re-organisation of the Management Structure was set out in the report to the Executive on 1st August 2005 (Ref. CE 18/05).
- 1.2 Since the submission of that report, the Town Clerk and Chief Executive has drawn up a revised structure, which has been informed and influenced by advice from other local authorities; North West Employers' Organisation; consultation with Senior Officers and staff across the City Council, the Trades Unions, Elected Members and key stakeholders. Details of the consultation carried out to date is outlined in (7.1). The consultation for Stage One will take up until the 30<sup>th</sup> August 2005, the date of the Executive meeting.

## **2.0 PROPOSED MANAGEMENT STRUCTURE – STAGE ONE**

- 2.1 A copy of the proposed Management Structure is attached (Appendix 1). Members will see that the revised structure changes from the current one which has 12 Business Units and 2 Executive Directors, to 4 Corporate Directors (excluding the Carlisle Renaissance Team – see 6.0 and a separate report to Executive) and 1 Deputy Chief Executive.
- 2.2 This changed structure is being proposed to ensure that the challenges facing the City Council and set out in the first report, (which are well known to Members and Officers), are tackled. Moreover it is strongly felt by the Town Clerk & Chief Executive that this structure will enable the Council to support Members and deliver the Corporate priorities more effectively than has been possible in the past. The challenges must be addressed and the Council's performance in delivering services must continually improve.
- 2.3 The proposed structure and the new Senior Management roles (see 3.0 below) will help address the challenges and priorities and enable the Council to move forward in the right direction, whilst at the same time be flexible and robust enough to accommodate future changes. It will also drive forward the culture of the authority and some of the behavioural changes required.

## **2.4 The Rationale for the New Structure:**

### **(i) Deputy Chief Executive and Corporate lead on People, Performance & Policies Directorate**

As deputy to the Town Clerk & Chief Executive, this is a crucial role for the second most senior Officer. This role, however, now has a stronger and an extended brief, for it also has strategic lead on the 'People, Performance and Policies' Directorate. These areas of work bring together key issues and challenges which must be addressed by the Council and all of which have a link and interdependence on each other. Key challenges include performance management, the Overview & Scrutiny role and the Pay and Workforce Strategy.

### **(ii) Development Services Directorate**

This Directorate brings together the key economic and regeneration services of the City Council, all of which have been working in different Business Units. To be more effective, they need to be brought together. However it is important to remember that bringing services together is only one element of moving the Council forward. There also has to be cultural and systemic changes to support both the services and the staff delivering them. This issue is of course relevant for all services.

The key Services to bring together include Housing, Property and Planning. All must work much closer together, without compromising the regulatory functions (and this separation will be built in during the development work of Stage 2 of the Re-organisation process). It is recognised that changes have to be made, which enable services to be more innovative and achieve the vision – Carlisle Renaissance and, at the same time, support Members to make a difference on local issues that are important to those who elected them.

### **(iii) Legal and Democratic Services Directorate**

There are no wholesale changes to this Directorate and there is no name change. The additional services are Licensing and Member Services, both based within different Business Units in the current structure. The Town Clerk & Chief Executive feels that they need to be part of Legal and Democratic Services and as a result will work more effectively. There will be an expectation of cultural changes within this Directorate (as with other Directorates) and this will be picked up as the next stage of the Re-organisation progresses.



(iv) **Corporate Services Directorate**

This Directorate brings together Finance, Revenues and Benefits and Information Technology and at first reading looks like a fairly traditional local authority Department and one that was similar in size and composition in the previous structure. No apologies are made for this; it is felt that these will work well together in the future.

(v) **Community Services Directorate**

This Directorate is the largest in the structure and brings together all the key front line services of the Council. Care has been taken to consider the size and the breadth of services within it and advice taken from other local authorities and the North West Employers' Organisation. The main reason for drawing together these areas of work is to help develop the synergy between services, which are currently in separate Business Units, for example community development, Arts and Museums and Sports and Recreation. It can be argued of course that there are already links forged, but the bringing together of these services within one Directorate makes more sense and supports a more effective and efficient way of working.

There is no intention to try and force the links between the current Commercial and Technical Services Business Unit, which has included, over the past few months, Environmental Protection Services, with the 'Community Development' areas of work though of course, there will be opportunities for instance, to look at how the area working teams now being piloted can be extended with the support of, community development.

Essentially, this is the Directorate that has lead responsibility for one of the Council's two key priorities: 'Cleaner, Greener and Safer Carlisle' and the importance given to that is reflected in the make up of the services within it.

It is proposed that Community Services has two operational areas 'Environmental Services' and 'Community and Cultural Development'.

(vi) **Carlisle Renaissance Team**

This is the sixth 'Directorate', a 3 year fixed term team, which will operate as a Directorate in its own right, but will over its lifetime, have the responsibility to ensure the mainstreaming of 'Carlisle Renaissance' across the City Council and across the

5 Directorates. The structure of this team is not part of the re-organisation process and is being dealt with in a separate report to the Executive and the full Council.

- 2.5 The consultation process has highlighted the need to consider some changes to the structure itself. These include areas of work which have been inadvertently missed on the draft structure and areas of work which are currently split across two Directorates. None of the changes will make a fundamental difference to the work of the Directorates, but need to be addressed. These will be addressed during Stage 2 and any revisions will be brought to the Executive and to the full Council.

### 3.0 **PROPOSED ROLES AND RESPONSIBILITIES FOR THE NEW SENIOR MANAGEMENT TEAM**

- 3.1 To complement the new management structure and the need for much more effective corporate and strategic ways of working, new posts for 'Corporate Directors' have been developed. It is recognised that though the current Head of Business Unit role did require a corporate and operational responsibility, there was a tension between both and all too often one or other was sacrificed to attend to the different demands of the Council. This is not a satisfactory nor effective way of working. The role of 'Corporate Director' gives a vital opportunity for a group of Senior Officers to have a strategic grip of their own services and, at the same time, have the capacity to think and face outward to pick up the external challenges the Council face.
- 3.2 It is felt that Corporate Directors, the Deputy Chief Executive and the Town Clerk and Chief Executive, have to commit to a set of values, which are informed by the Council's own values (from the Corporate Plan) and which focus on their key corporate role. These values are:
- Commitment to providing and enabling the best public services for the people of Carlisle.
  - An absolute belief in the local democratic process and the central role of our elected members.
  - An understanding that our greatest resource is our staff.
  - A belief that cultural change can positively effect performance.
  - A commitment to problem solving and tackling difficult issues.
  - An understanding that flexibility and responsiveness are key to successful management.



3.3 The principal role of the new Senior Management Team will be to work with and support Members to:

- Determine the overall direction and priorities of the Council.
- Ensure that the Council remains focussed on its priorities and that they are translated into service delivery.
- Focus on the medium and long-term, that effective forward planning is carried out and the external environment is managed.
- Drive forward the cultural changes required in behaviour and acting as role models to ensure the Council's values are promoted and service delivery is improved.
- Develop and sustain effective partnerships within and outside the City Council.
- Ensure that services are delivered in co-ordinated and flexible ways with good practice shared across the Council.

3.4 Individually the Corporate Directors will:

- Have specific responsibility for ensuring the overall effectiveness of a group of services within a Directorate.
- Share strategic management responsibilities for performance and quality assurance for the Council as a whole and within the Directorate through continuous improvement through performance and risk management.
- To provide effective links between Officers and Members in order to deliver the Council's policies and priorities.
- To take individual strategic responsibility for a Key Priority, a Key Issue and a 'Stretching' issue.

3.5 Job Descriptions and Person Specifications are now being drawn up and these will integrate the values, roles and responsibility identified above.

#### 4.0 **PROPOSED APPOINTMENT PROCEDURE FOR STAGE ONE**

4.1 It is proposed that the appointment of staff to the new posts of Deputy Chief Executive and Corporate Directors (Stage One of the re-organisation), will be undertaken using the Council's 'Appointment and Assimilation Protocol', which was established in 2002 (as part of the Council's Organisational and Structure Review) and is in Appendix 2.

- 4.2 If the recommendations within this report are approved by Council on 13<sup>th</sup> September 2005, there will then follow the appointment and assimilation process. Support for this will be given by the Town Clerk & Chief Executive of North West Employer's Organisation and the Personnel Manager of Carlisle City Council. All current Senior Manager postholders – the Executive Director and 11 Business Unit Heads will be supported throughout this process.
- 4.3 The Appointment process will require the following:
- Deletion of Business Unit Head and Executive Director posts.
  - Creation of new Corporate Director posts and Deputy Chief Executive.
  - The 'matching' exercise outlined in the Protocol.
  - Ring fencing the remaining posts to displaced Business Unit Heads.
  - Invite applications for the remaining posts from the 'ring fenced group'.
- 4.4 Details of the proposed salary structure for the Corporate Directors are outlined in the Part B report to the Executive, which is being submitted, with this report, on 30<sup>th</sup> August 2005. It is intended that the salary level of the Deputy Chief Executive will be the same as that for an Executive Director; that point of salary and terms and conditions will be established for the four Corporate Directors and that there will be a modest increase for this group of Senior Managers, which is more in line with comparator Local Authorities.
- 4.5 It is proposed that the new Corporate Director posts are deemed Chief Officers and as such will be part of the Council's Officer Employment Procedure Rules (Paragraphs 3 & 5) (Appendix 2).
- 4.6 All Chief Officer posts (including Town Clerk & Chief Executive and Deputy Chief Executive) are to be established in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities.
- 5.0 **PROPOSED FRAMEWORK FOR STAGE TWO OF THE RE-ORGANISATION OF THE MANAGEMENT STRUCTURE**
- 5.1 Once the Senior Management Team is in place, work will begin to progress Stage Two. The start date will depend on the completion of the Assimilation process and appointment process, including the availability of Members to meet as the Employment Panel and holiday arrangements of Senior Officers. It is hoped that the end date of Stage One will be end of October / beginning of November.



- 5.2 Once appointed, the Senior Management Team will ensure that interim arrangements are established to support uninterrupted service delivery.
- 5.3 It is intended that the Senior Management Team will work together to progress Stage Two and this will require some dedicated time to address the management needs of each of the five Directorates.

During the consultation process, the Town Clerk and Chief Executive suggested that each Directorate had a dedicated deputy, whose main role would be the day to day management of the Directorate, with a focus on service delivery and performance management.

However, at this stage, and following consultation, it is likely that other models of operational management will need to be considered, especially where there are a number of services based within Directorates. The role of Operational Directors may not always be appropriate and this now needs to be looked at in more detail, based on the needs of each Directorate and developed further by the Senior Management Team.

- 5.4 It is important to note that this report seeks agreement to the framework of the management posts immediately underneath the Corporate Director posts. It does not attempt to resolve all the structural issues, which need to be considered at Stage Two and beyond, but they do need to be tackled and they will be.

## 6.0 OTHER KEY AREAS OF WORK TO BE REVIEWED

- 6.1 The first report to the Executive (CE 18.05) set out the other areas of work, which need to be reviewed alongside the re-organisation of the Management Structure. To update Members:
- (i) **Carlisle Renaissance** – this is referred to in this report and there is also a separate report to the Executive on the development of the Implementation Team.
  - (ii) **Overview & Scrutiny Support** – Members will see that it is proposed that this area of work is based within the 'People, Performance & Policy' Directorate. The Officers in the team will be directly led and supported by the Deputy Chief Executive. In addition an Improvement Plan (based on the recommendations of Dr Snape's report) is being drawn up and this will

identify the resource needs of the Overview & Scrutiny function, which will need to be addressed.

- (iii) **Housing** – a new structure for the Housing Team is being developed and its proposed new base within the Development Services Directorate will ensure that it becomes much more effective and is able to deliver the Housing Strategy for Carlisle.

## 7.0 CONSULTATION

### 2.1 Consultation to Date

The following consultation has taken place:

May / June	Consultation with the Chief Executive of NWE0 and Chief Executives of other District & Unitary Authorities.
End July / Early August	Individual discussions with the Executive Director and Business Unit Heads
Early August	Meetings with the Leader of the Council and the Executive
8 <sup>th</sup> August	Special CMT meeting with Business Unit Heads
8 <sup>th</sup> August	Draft Structure sent to all staff with invitation to contribute / comment by 15 <sup>th</sup> August.
8 <sup>th</sup> August	Draft Structure sent to all elected Members with invitation to contribute / comment.
From 9 <sup>th</sup> August	Further individual meetings with Business Unit Heads and the Executive Director
12 <sup>th</sup> August	Meeting with the Leaders of Political Groups
15 <sup>th</sup> August	Discussion with the Executive Management Group
17 <sup>th</sup> August	Discussion with the City Council Trades Union Corporate Joint Consultative Group.
23 <sup>rd</sup> August	Presentation to the Corporate Resources Overview & Scrutiny Committee

All comments and contributions have helped to shape the proposed structure.



## **2.2 Consultation proposed**

Consultation with staff and Members will be ongoing throughout the Stage One process and again during Stage Two.

## **8.0 RECOMMENDATIONS**

That the Executive recommends that full Council approve:

1. That the Town Clerk & Chief Executive be authorised to implement the following:
  - a) The proposals for the new management structure as set out in this report at 2.0 and outlined in Appendix 1.
  - b) The appointment process for the new senior management posts, which will establish the new Senior Management team.
  - c) The framework within which Stage 2 of the re-organisation of the management structure will progress.
  - d) The necessary transitional arrangements to secure continued service delivery.
2. It be noted that, for the purposes of the Council's constitutional arrangements, the Authority's Chief Officers will be the Town Clerk and Chief Executive, the Deputy Chief Executive and four Corporate Directors referred to in this report, and that the appointment of these and any other posts consequential on these proposals will be in accordance with the Council's Officer Employment Procedure Rules and the matching 'Appointment and Assimilation Protocol' (Appendix 2).
3. That the Head of Legal and Democratic Services be authorised to make any necessary amendments to the Council's Constitution to incorporate any changes resulting from acceptance of the proposals.
4. That it be noted that the Leader of the Council will address any revisions which might be required to his Scheme of Delegation to reflect the revised Officer and Managerial arrangements.

## **9.0 REASONS FOR RECOMMENDATIONS**

- 9.1 To enable the implementation of the re-organisation of the Management Structure – Stage One.

## **10.0 IMPLICATIONS**

- Staffing/Resources – The re-organisation process will have significant implications on staff across the City Council. The main changes, at Stage One, are Senior Management changes, but as the re-organisation progresses into Stage Two, there will be an impact on other Managers' roles. However, it is hoped that the implications will be seen positively for the re-organisation to progress to help the Council become excellent.
- Financial – Details of the financial implications are outlined in the 'Part B' report, which is being submitted to the Executive on 30<sup>th</sup> August and then to Full Council on 13<sup>th</sup> September.

There are no financial implications with regard to the re-organisation process itself. The Town Clerk and Chief Executive carried out the review, with the support of staff from Member Support & Employee Services and Financial Services. In addition, advice and support is being given by the Chief Executive of North West Employers' Organisation at no cost to the City Council.

There will be revenue implications with regard to the appointment of the 4 Corporate Directors' posts and will be covered by the efficiency savings made by the deletion of two Senior Managers' posts – 1 Executive Director and the Head of Environmental Protection Services. Any financial implications for Stage Two will be dealt with during that process and reported to the Executive and the Full Council.

- Legal – There will be legal implications should the recommendations be approved. There will be amendments to the Council's Constitution to incorporate any changes resulting from the acceptance of the proposals.

No other legal implications, at Stage One, are envisaged.

- Corporate – There will be corporate implications, in that the establishment of a new Senior Management Team and a small number of larger, Strategic



Directorates, will ensure that corporate working across all areas of work will become a key and central feature of the future work of the Council.

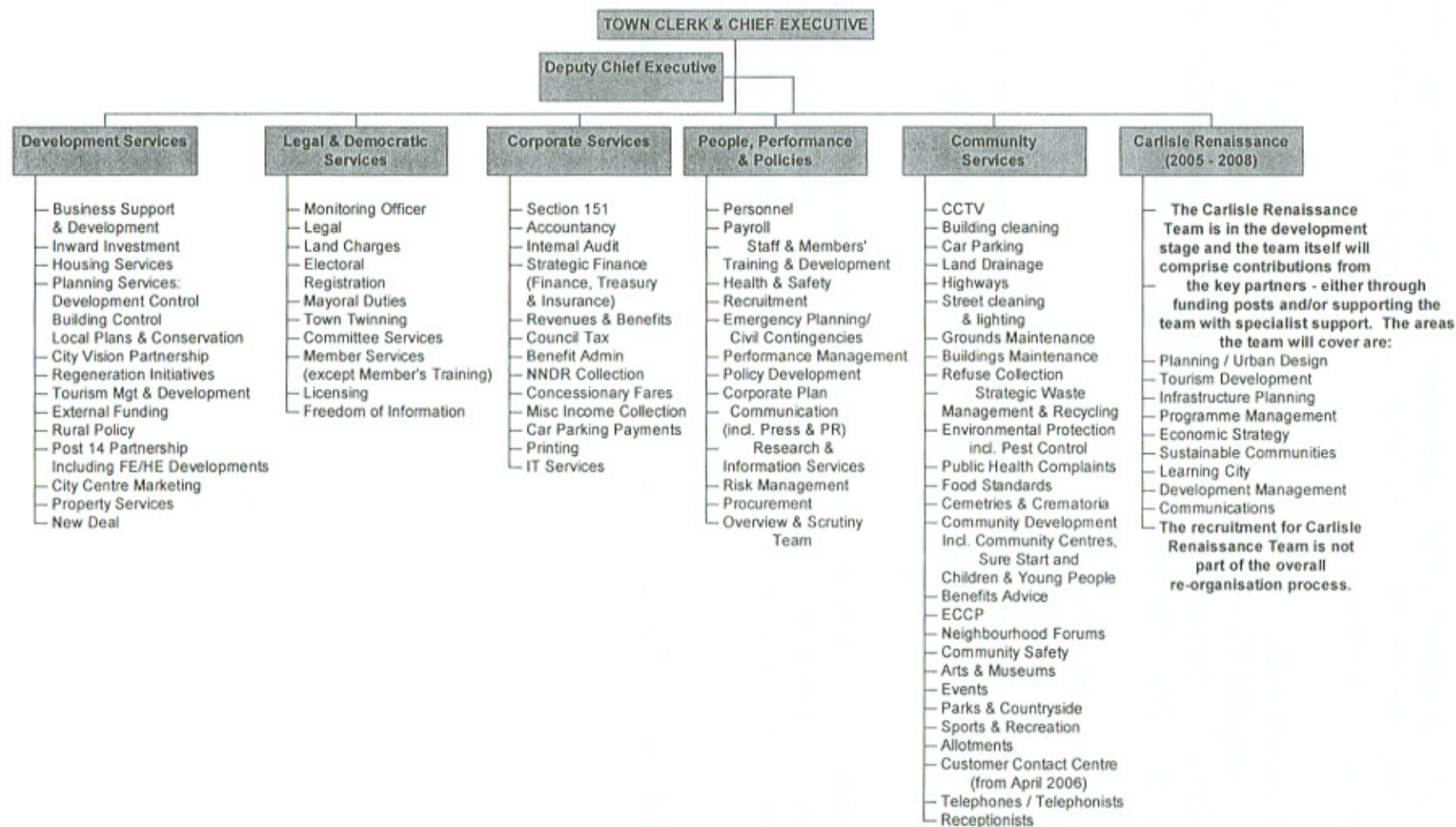
- Risk Management – A full risk assessment of the impact of the re-organisation will be carried out by the new Senior Management Team, at the start of the Stage Two process.
- Equality Issues – The re-organisation process has been fully compliant with equality and diversity issues in mind. Hence, for the first time, all Senior Managers, the Corporate Directors, will be placed on the same Chief Officers salary scale and will have the same terms and conditions.
- Environmental – None.
- Crime and Disorder – The functions of the City Council with respect to Crime and Disorder have been reviewed and it is proposed that they are best located within the Community Services Directorate.
- Impact on Customers – The key aim of the re-organisation is to deliver high quality services to all communities across Carlisle. Therefore the proposed new structure should have a positive impact on the Council's customers.

**Contact Officer:** Maggie Mooney

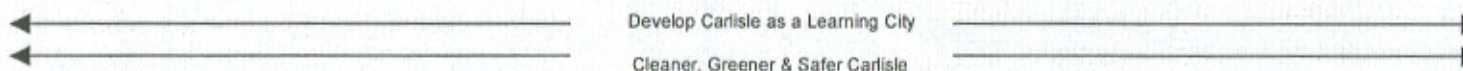
**Ext:** 7002

# CARLISLE CITY COUNCIL: RE-ORGANISATION STAGE 1 - DRAFT STRUCTURE 17th August 2005

STRICTLY CONFIDENTIAL



## CORPORATE KEY PRIORITIES 2005 - 2008





**CARLISLE CITY COUNCIL  
ORGANISATIONAL STRUCTURE REVIEW 2002  
– APPOINTMENT & ASSIMILATION PROTOCOL**

**1. INTRODUCTION**

**1.1 Purpose**

This protocol will be used to guide the appointment and assimilation of employees into positions in Carlisle City Council following the organisational structure review 2002.

It should be noted that a separate Protocol will apply in respect of staff transferred under TUPE to Carlisle Housing Association.

The Council has a comprehensive redundancy policy & selection procedure agreed jointly between management and the trades unions, and it is intended that this shall remain in force. However, the nature of the 2002 organisational structure review and the reasons for it, are likely to result in a number of posts where duties are changed (some to a considerable extent, others less so, and some insignificantly). Less likely is the situation where one or more employees need to be selected for redundancy from a larger number carrying out very similar work in a department. Thus there needs to be a protocol for appointing or assimilating people into these new posts. Where redundancy selection is appropriate, the agreed selection procedure will be used.

**1.2 Statement of Intent**

Throughout the process of the organisational structure review, the large scale voluntary transfer of housing stock and associated activities (LSVT) and Leisuretime externalisation, every effort will be made to protect jobs and minimise redundancies. Negotiations with the preferred partners for LSVT and Leisuretime will pursue the need to take all appropriate staff under a TUPE transfer, and in addition, affected employees who would not ordinarily qualify for this. In addition, various appropriate recruitment and employment measures will be taken to reduce the need for redundancies.

**1.3 Consultation**

Consultation on the organisational review started at the beginning of the review process and will continue throughout. Employees, and other stakeholders have been consulted as part of the diagnostic research and when the broad outline structure was drawn up, and further, full, consultation will take place with management, trades unions and employees when the detailed structure has been proposed, and on this appointment & assimilation protocol.

## 2. RESTRUCTURE PROCESS

- 2.1 The Chief Executive will present regular progress reports and a final report on the Organisational Assessment BV Review to the Overview & Scrutiny Organisational Assessment Best Value Review sub committee, Overview & Scrutiny Management Committee, Executive and Full Council as appropriate.
- 2.2 The Chief Executive will discuss the proposals for change with senior and middle management and the trade's union's representatives during all stages of the process. A structure chart will be produced, showing managerial relationships the scope of posts and grades for consultation. Managers will discuss the same proposals with their employees. All employees, including managers and trades union representatives, will have the opportunity to comment on the proposed structure and make representation on any aspects affecting themselves before the final structure is agreed upon. [Trades Union representatives may also comment on behalf of their members.]

Information given to all employees will include the:

- a) Reasons for the restructure;
  - b) Proposed new structure;
  - c) Details of jobs, which are new or significantly changed from present;
  - d) Posts which will be deleted in new structure and number of people in these;
  - e) Time scale for implementation;
  - f) Employees directly and indirectly affected;
  - g) Arrangements for appointments and assimilation to the posts;
  - h) Redeployment process.
- 2.3 Once Council has finally agreed the new structure the appointment and assimilation process as outlined below will commence.

## 3. APPOINTMENT AND ASSIMILATION PROCESS

### 3.1 General

#### Categorising the posts

The Town Clerk and Chief Executive advised by the Council's Human Resource advisors (external and internal) will propose a category for appointment to each post:

- Category 1 – Open Recruitment
- Category 2 – Ring Fenced Post
- Category 3 – Matched Post



In making the decision the factors to be taken into account will be:

- Responsibility for key functional areas;
- Tasks and duties of the post;
- Financial responsibilities;
- Supervisory responsibility;
- Type and level of decisions made;
- Communication required by the job;
- Reporting Lines;
- Internal/external contacts;
- Comparative remuneration.

### 3.2 **Category 1 - Open Recruitment**

Posts will be placed in this category if they are new.

These will be advertised internally and externally, in line with Council's recruitment and selection procedure, and all prospective internal candidates will be invited to apply for the role, along with external applicants. Recruitment will be by the way of an interview panel with the process managed by external advisors and include testing or an assessment centre process as well as interview(s). Successful staff will receive a formal offer of appointment, as is the normal process on appointment.

### **Category 2 – Ring-fenced Posts**

A number of posts within the new structure may contain different elements of existing posts. Any post which contains significant elements of an existing post will be classified as "ring fenced".

Recruitment will be by a panel to ensure a fair and consistent approach, and that the appointment system is demonstrably fair to all involved.

Recruitment may, if relevant, include testing and/or other suitable assessment centre type of exercises as well as individual interview(s). Successful candidates will be advised, in writing.

### **Category 3 - Matched Posts**

The majority of posts within the new structure will be the same or similar to posts within an existing structure other than their reporting arrangements. Such posts are likely to have most of the functions of the existing posts. Where variations do exist these are more likely to be in terms of emphasis and style rather than content. Such posts will be classified as "matched posts". For a post to be matched it must have a substantial number of functions of the functions of a post within the existing structure, and there must be sufficient posts for the people who are matched against them.

### 3.3 **Advising Employees**

There will be communication and discussion between the Town Clerk and Chief Executive and all staff concerned regarding their position in the new structure. A briefing note will be issued to affected staff giving details of the structure and the timetables etc involved. All staff will then receive an individual letter informing them of which post in the new structure they have been matched or ring-fenced against, or inviting applications for new posts.

Any staff who consider that their post has been wrongly classified may put forward a case of claim in writing to the Secretary to the Appeals Panel (to be advised) within 10 working days of being advised of the classification of that post. This will take place before the post is advertised or (in the case of a matched post) before anyone is appointed to it.

The letter will include a pro forma to be completed and returned within the time scale specified. There will be a space on the pro forma for staff to register any concerns regarding the classification and any case they may have for the classification to be changed. These requests will be considered and a response provided within a stated time scale.

### 3.4 **Time to Consider Jobs Offered and Trial Periods**

All existing staff appointed to "ring fenced" and "open competition" posts will have 10 working days to consider the offer. The employee may accept, or reject, the job offer as they feel appropriate. If rejected, and the post is not considered "suitable alternative employment" the employee may qualify for redundancy. If the post is regarded as "suitable alternative employment" redundancy will not apply.

Existing employees appointed in "open competition" and to "ring fenced" posts will have a month's trial period while both the employee, and management, assess suitability for the new post. At the end of this time, either party is free to decide that the employment is not "suitable alternative employment" and redundancy may apply.

### 3.5 **Earnings Protection**

In accordance with existing Council policy, where the salary of the new post is lower than that of the existing post, then the employee will have their existing earnings protected for one year, after which they will revert to the appropriate grade. They will not receive any cost of living awards during this period.

Employees who are members of the local government pension scheme can, if appropriate, protect their 'pensionable earnings' for a period of (effectively) up to ten years after their salary reduction. Details are available from the personnel section.



**3.6 Appointment to a position on a higher grade than current post**

Where the grade of the new position exceeds the grade of the existing post, then the employee will be appointed at the nearest equivalent point above their existing point in that grade.

**3.7 Appeals Procedure**

This appeals procedure for assimilation will apply in respect of the 2002 restructure only, and is as follows:-

Employees affected by restructuring proposals have the right of appeal against the outcome of any management decision regarding individual appointment and assimilation. Appeals should be made in writing to the Secretary to the Employment Panel (to be advised) within 10 working days of receiving written notification of any such decision. All appeals regarding decisions for all posts affected by the Organisational Review will be determined by Elected Members sitting as the Council's Employment Panel as soon as is practicable.

**3.8 Redeployment**

A member of the personnel section will meet with any employee who is unsuccessful in being appointed to a post under the three categories (open recruitment, ring-fenced and matched posts) to discuss the possibility of redeployment elsewhere within the Council. Every reasonable effort will be made to find suitable alternative employment. However, it must be understood that this cannot be guaranteed.

**3.9 The Position of Employees on a TUPE List**

The aim of the exercise is to prevent unnecessary redundancies, therefore employees who are on TUPE lists will be eligible to apply for those posts advertised in open competition.

**4. Employee Support**

Training, coaching and confidential counselling services will be available for employees affected by this change.

# Officer Employment Procedure Rules

- 1.1 These Rules are intended to incorporate provisions to the like effect as those set out in the Local Authorities (Standing Orders) (England) Regulations 2001 in so far as they apply to the Council and they shall be read and construed so as to give effect to the provisions of those Regulations wherever applicable.

## 1.2 Definitions

In these Rules -

- "the 1989 Act" means the Local Government and Housing Act 1989
- "the 2000 Act" means the Local Government Act 2000
- "disciplinary action", "head of the authority's paid service", "chief finance officer" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
- "statutory chief officer", "non-statutory chief officer" and "deputy chief officer" have the same meaning as in section 2 (6), section 2 (7) and section 2 (8) respectively of the 1989 Act.
- "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act
- "member of staff" means a person appointed to or holding a paid office or employment under the Council
- "proper officer" means the Head of Legal and Democratic Services or in the alternate the Town Clerk and Chief Executive.

## 2. Recruitment and appointment

### (a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons. A candidate who fails to disclose such a relationship shall be



disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.

- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the chief officer or Head of Service having responsibility for the relevant business unit concerned or an officer nominated by him/her.
- (b) Seeking support for appointment.
  - i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
  - ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
  - iii) Paragraphs (i) and (ii) shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

**3. Recruitment of head of the authority's paid service and chief officers**

Where the Council proposes to appoint the head of the authority's paid service, the monitoring officer, the chief finance officer and any other statutory or non-statutory chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - i) the duties of the officer concerned; and
  - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (d) Where a post has been advertised as provided in paragraph (b) above, the Council will interview all qualified applicants for the post, or select a short list of such qualified applicants. Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraph (b) above.
- (e) The steps taken under this Rule 3 may be taken by a committee, sub-committee or chief officer of the Council.

**4. Appointment of head of the authority's paid service**

- (a) The full Council will (subject to Rule 11 below) approve the appointment of the head of the authority's paid service before an offer of appointment is made to him/her following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.
- (b) The full Council may only make or approve the appointment of the head of the authority's paid service where no material or well-founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

**5. Appointment of chief officers**

- (a) The full Council will (subject to Rule 11 below) approve the appointment of a chief officer (meaning for the purposes of this Rule 5 a chief officer as designated in paragraph 12.01 of this Constitution being the Head of Finance, the Head of Legal and Democratic Services and the Executive Directors) before an offer of appointment is made to him/her following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.
- (b) The full Council may only make or approve the appointment of such a chief officer where no material or well-founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

**6. Appointment of deputy chief officers**

- (a) Appointment of deputy chief officers is (subject to the provisions of Rule 11 below) the responsibility of the head of the authority's paid service or his/her nominee.
- (b) The head of the authority's paid service or his/her nominee may only make an appointment of a deputy chief officer where no material or well founded objection has been received from the executive leader and after first complying with the provisions of Rule 11 below.

**7. Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the authority's paid service or his/her nominee, and may not (subject to Rule 12 below) be made by councillors.
- (b) All vacancies in the Council's establishment (other than in respect of the head of the authority's paid service and those other posts to be filled in accordance with



Rule 3 above) unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Council or the appointing officer otherwise determines. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs, the Council or the appointing officer may appoint one of the former applicants.

**8. Assistants to political groups.**

- (a) This Rule applies to posts (Political Assistants) created for the purposes of Section 9 of the 1989 Act.
- (b) The annual remuneration of a Political Assistant shall not exceed the relevant amount prescribed by the Secretary of State for Transport Local Government and the Regions.
- (c) The appointment of a Political Assistant shall terminate as provided for in Section 9 of the 1989 Act.
- (d) The allocation of the posts to Political Groups, and any review of such allocation, shall be reserved to the full Council.
- (e) No post shall be allocated to any Political Group until a post has been allocated to all the Political Groups which qualify for one in accordance with Section 9 of the 1989 Act.
- (f) No post may be allocated to a Political Group which does not qualify for one.
- (g) No more than one post may be allocated to any one Political Group.
- (h) Appointment of a Political Assistant shall be in accordance with the wishes of that Political Group.

**9. Disciplinary action**

- (a) **Suspension.** The head of the authority's paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension must be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of the head of the authority's paid service, the monitoring officer or the chief finance officer except in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (c) Any question arising in respect of the alleged misconduct of a chief officer (meaning for the purposes of this Rule 9 a chief officer as designated in paragraph 12.01 of this Constitution being the Head of Finance, the Head of Legal and Democratic Services and the Executive Directors) shall be dealt with

by the head of the authority's paid service, subject always to the provisions of Rule 11 below in respect of the dismissal of a chief officer and to paragraphs (a) and (b) above in respect of disciplinary action against the monitoring officer and chief finance officer.

- (d) Taking disciplinary action against deputy chief officers is the responsibility of the head of the authority's paid service or his/her nominee, subject always to the provisions of Rule 11 below in respect of the dismissal of a deputy chief officer.
- (e) Taking disciplinary action against a member of staff below deputy chief officer level is the responsibility of the head of the authority's paid service or his/her nominee. Councillors will not (subject to Rule 12 below) be involved in the disciplinary action against any officer below deputy chief officer (other than assistants to political groups) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action and nothing in this paragraph shall prevent a councillor from serving as a member of any committee or sub-committee to consider such an appeal.

**10. Dismissal**

- (a) Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of dismissing any officer referred to in Rule 11 (1) below at least one member of the executive must be a member of that committee or sub-committee. In the case of the head of the authority's paid service, the Council must approve his/her dismissal before notice of dismissal is given to him/her.
- (b) Dismissal of a member of staff below deputy chief officer level is the responsibility of the head of the authority's paid service or his/her nominee. Councillors will not (subject to Rule 12 below) be involved in the dismissal of any officer below deputy chief officer (other than assistants to political groups) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals and nothing in this paragraph shall prevent a councillor from serving as a member of any committee or sub-committee to consider such an appeal.
- (c) In the case of alleged misconduct, indiscipline or inefficiency of any member of staff the matter shall (in the absence of a Code of Discipline and Procedure relating thereto applicable to his/her employment under any Scheme, Instrument, Regulation or other document accepted by the Council) be dealt with under the procedure approved by the Council for application to Administrative,



Professional, Technical and Clerical staff and, for such purpose, the same shall be deemed to apply to such member of staff.

**11. Notification to executive of proposed appointments and dismissals of chief officers and deputy chief officers**

- (1) This Rule 11 shall apply to:
  - (a) the head of the authority's paid service
  - (b) a statutory chief officer
  - (c) a non-statutory chief officer
  - (d) a deputy chief officer
- (2) In this Rule 11 "appointor" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
- (3) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (1) above must not be made by the appointor until:
  - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of the Council of:
    - i) the name of the person to whom the appointor wishes to make the offer;
    - ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
    - iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either:
    - i) the executive leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
    - ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
    - iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- (4) In this Rule 11 "dismissor" means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is

discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

- (5) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (1) above must not be given by the dismissor until:
  - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (b) the proper officer has notified every member of the executive of the Council of:
    - i) the name of the person who the dismissor wishes to dismiss;
    - ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
    - iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either:
    - i) the executive leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
    - ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
    - iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

**12. Councillors serving on appeals committees or sub-committees**

Nothing in these Rules shall prevent a Councillor from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.



Committee	Membership	Functions	Delegation of functions
Employment Panel	6 members of the authority including at least one member of the Executive	To shortlist and interview candidates for Chief Officer posts and recommend appointments to the full Council. To take decisions in connection with the appointment of staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) but only to the extent that such matters have not been reserved to the Council, the Appeals Panels or delegated to any officer or other body under this Constitution.	

