

Agenda item
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REPORT TO MAYOR AND MEMBERS OF THE CITY COUNCIL

PORTFOLIO AREA: CORPORATE RESOURCES

Date of Meeting: 13 JUNE 2002

Public Yes

Key Decision: No Recorded in Forward Plan: Yes

Inside Policy Framework

Title: ORGANISATIONAL REVIEW - APPOINTMENT AND ASSIMILATION PROTOCOL
Report of: TOWN CLERK AND CHIEF EXECUTIVE
Report reference: TC107/02

Summary:

Report TC98/02 proposed the need for an appointment and assimilation protocol to establish a process for filling posts in the new organisational structure, and outlined the broad principals involved. This report presents a draft proposal for the Executive and Council to consider prior to consultation with Trades Unions and employees.

Recommendations:

Council is asked to agree the protocol as a draft for consultation with Trades Unions and employees, the results of which will be brought to a future meeting of the Executive for comment, and passed for decision to full Council.

Contact Officer: Peter Stybelski **Ext:** 7001

TC107-02 Organisational Review 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

1. BACKGROUND INFORMATION

The draft protocol, appended, has been drawn up with assistance and advice from the external personnel advisers (HACAS Chapman Hendy) appointed to help the Council with LSVT and the organisational review. It is based on best practice models and takes into account the specific needs of the 2002 review.

2. CONSULTATION

This report opens formal consultation with employees and Trades Unions between 7th June and 18th July 2002.

3. STAFFING/RESOURCES COMMENTS

Covered in paragraph 1.

4. CITY TREASURER'S COMMENTS

Any cost implications cannot be assessed at this stage. There may be costs associated with implementing the new structure in accordance with this protocol and employment law.

5. LEGAL COMMENTS

HACAS Chapman Hendy have passed a copy to solicitors Wright Hassell who have given it their approval.

6. CORPORATE COMMENTS

None

7. RISK MANAGEMENT ASSESSMENT

Included in the overall risk assessment for the organisational review and which is the subject of a separate report at this meeting.

8. EQUALITY ISSUES

The process proposed embraces equal opportunities in employment.

9. ENVIRONMENTAL IMPLICATIONS

None

10. CRIME AND DISORDER IMPLICATIONS

None

11. RECOMMENDATIONS

Council is asked to agree the protocol as a draft for consultation with Trades Unions and employees, the results of which will be brought to a future meeting of the Executive for comment, and passed for decision to full Council.

Peter Stybelski

Extension 7001

draft for consultation

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 trades unions 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 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 with 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 Town Clerk & Chief Executive 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 Chief Executive within 10 working days of receiving written notification of any such decision. Decisions regarding posts below Chief Officer level will be considered by the Chief Executive and the outcome will be notified to the employee within a further 10 working days. Those relating to Chief Officer posts will be considered by the Council's Appointment 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.