

WILTSHIRE COUNCIL

AGENDA ITEM NO.

**OVERVIEW AND SCRUTINY MANAGEMENT AND RESOURCES COMMITTEE
DATE**

**THE FORMATION OF A UNITARY COUNCIL FOR WILTSHIRE – THE “ONE
COUNCIL APPOINTMENTS PROCESS”**

Purpose of Report

- 1.1 To report on the development, agreement, and application of the process to make staff appointments to the unitary council and to deal with those staff displaced by the local government reorganisation.

Background

- 2.1 In response to the successful unitary council bid in 2007 a One Council Human Resources (HR) team comprising of representatives of each of the five Councils and led by an Assistant Director (Local Government Reorganisation) was established, in order to:
- Ensure that the transfer of staff was conducted in accordance with statutory requirements, in a way which enabled the Councils immediate and longer term staffing needs to be met, and in a way which minimised the need for compulsory redundancies following vesting day
 - To put in place consultative arrangements which promoted good and harmonious relationships between the constituent authorities and the Unions
 - To prepare for the post vesting day harmonisation of terms and conditions by the new Council
- 2.2 The One Council HR team led on the development of the necessary processes to achieve the above objectives but before application these were endorsed by the Implementation Executive of elected members representing each of the constituent authorities.

Transfer of staff

- 2.3 The first action was to introduce recruitment and secondment arrangements in the run up to the reorganisation which:
- Promoted as far as possible employment opportunities for the future security of employment for existing permanent staff
 - Maintained service delivery
 - Ensured that equal opportunity objectives and legal requirements were met
- 2.4 To this end, a recruitment protocol was agreed between the County Council and the four District Councils to operate from September 2007. This restricted external recruitment and recruitment on a permanent basis in anticipation of the need to redeploy current permanent staff when the reorganisation into one council took effect.
- 2.5 The process to appoint staff into the new Council was subject to a statutory structural change order and statutory staffing regulations which were not enacted until July 2008. It was not feasible to wait until these were available before starting work on local processes, although no final commitment was made to staff until enactment. The early appointment of Corporate and Service Directors to the new Council was considered to be business critical to successfully manage the transition. The One Council HR team maintained close

contact with the Department for Communities and Local Government (DCLG) in order to anticipate the content of the statutory staffing regulations. Legal Counsel's advice was taken to ensure that all legal requirements were sufficiently understood.

Severance Pay Arrangements

2.6 The five Councils had different severance pay arrangements. At its meetings in March and July 2008 the Implementation Executive:

- Agreed severance arrangements to apply in respect of cessation of employment on the grounds of redundancy or efficiency of the service from 1 April 2009 (Appendix 4) These were designed for local government reorganisation on the understanding that they would be reviewed no later than April 2011.
- Recommended each of the five constituent authorities to adopt these severance arrangements early in order that there be consistency in the compensation paid to staff whose employment was terminated prior to local government reorganisation.

2.7 All five authorities adopted the common severance arrangements.

Chief Executive

2.8 The statutory Staffing Regulations specified that the appointment of the Chief Executive of the new unitary council had to be the subject of open national competition (although they left the process for filling Corporate and Service Director level posts to local determination)

Corporate Directors

2.9 The Departmental structure of the new council was considered and endorsed by the Implementation Executive on 15 April 2008 and WCC Cabinet on 22 April 2008. On 7 May 2008 the Implementation Executive endorsed the principles and process for appointments to Corporate and Service Director posts (see Appendix 1)

2.10 Generic job specifications for the Corporate Director roles in the new council were designed and agreed.

2.11 Some Corporate Directors of WCC (legally the "continuing authority") had ownership of their posts because they were not significantly changed by LGR. They were therefore confirmed in post.

2.12 Corporate Directors in the County Council and Chief Executives of the four District Councils whose posts were displaced or fragmented due to the creation of the one council Corporate Director roles were given "prior consideration" for the vacant Corporate Director roles, on the understanding that any who chose not to apply did not jeopardise the redundancy compensation payable to them on the termination of their employment.

2.13 Selection of Corporate Directors for Wiltshire Council was handled by an Appointments Sub-Committee of the Implementation Executive, comprising of 4 elected members from the County Council and 1 elected member from each District Council.

Service Directors

2.14 Some County Council Assistant Directors had ownership of Service Director posts. Assistant Directors in the County Council and Corporate Directors in the District Councils whose posts were displaced or fragmented due to the creation of the one council Service Director roles were given "prior consideration" for the vacant Corporate Director roles, on the understanding that any who chose not to apply did not jeopardise the redundancy compensation payable to them on the termination of their employment. The Appointments Sub-Committee shortlisted, interviewed and selected Service Directors in July 2008. Two Service Director roles which remained unfilled through internal recruitment were

subsequently filled through external recruitment.

- 2.15 Although some Service Directors did not fully take up their posts until January 2009, all planning for the new council was conducted by the new leadership team from September 2008.

Staff below Service Director level

- 2.16 The One Council Appointments process for all staff below Service Director level was negotiated and agreed with the recognised unions and endorsed by the Implementation Executive on 6 October 2008. The process is shown at Appendix 2 and as well as dealing with appointments also deals with selection for redundancy, the mechanism for maximising redeployment of staff at risk of redundancy, and the agreed effective date for future harmonised terms and conditions.
- 2.17 A scheme to reimburse excess home to work mileage for a period of 3 years was introduced to facilitate work-base changes and contribute to the minimising of redundancies (see Appendix 3).
- 2.16 The One Council HR team was expanded from September 2008 to include HR Business Partners to support Service Directors in managing the staff transition in allocated Departments.
- 2.17 Service Directors, and their Heads of Service (when appointed), designed new roles for their structures and also confirmed which if any roles would continue substantially unchanged. This enabled the application of the One Council Appointments process from around October 2008. Although services varied in whether they were moving straight to a transformed structure or moving into the new Council initially essentially unchanged in a “transitional” structure, it proved possible to confirm to around 85% of staff by 31 December 2008 as to whether their current job would be continuing substantially unchanged beyond vesting day of the new authority or whether they were potentially displaced.
- 2.18 Although it was not legally possible to introduce formal redeployment measures in advance of vesting day (because the County Council had no power of direction over District Council staff) some voluntary early redeployment was enabled through posts being advertised internally prior to 1 April 2009, supported by pay protection for District Council staff who would otherwise be facing a drop in salary.
- 2.19 The formal redeployment mechanism took effect from April 2009 and was coordinated centrally.
- 2.20 Support for staff facing redeployment or redundancy was commissioned from élan coaching, who offered flexible support including introductory group sessions and up to 4 follow up one to one coaching sessions on career goals and job search, in Trowbridge, Salisbury, Devizes and Chippenham.
- 2.21 An overview of how the Appointments process has operated for staff below Service Director level, including the number of staff at risk of redundancy who have been redeployed to suitable alternative employment (132), is shown at Appendix 5.

Redundancies

- 2.20 The number of redundancies arising to date from the reorganisation into one council is 92 and the LGR severance cost totals £4.2 million.

Consultative Arrangements

2.22 A Local Government Reorganisation Joint Consultative Committee (LGR JCC) was established for Wiltshire County Council and District Council management to consult staff representatives about:

- The transfer of staff to the new council
- The organisation of staff within the new council
- The arrangements for terms and conditions harmonisation
- Compensation arrangements
- Any other matters which the parties recognise as being of joint interest and relevance

2.23 The LGR JCC has met regularly and discussed some of the practical issues in applying the appointments procedure, as they have arisen, agreeing on the clarification of some points as necessary. It has also agreed a number of other key policies and procedures, including statutory employment procedures such as Disciplinary, Capability, Redundancy, Absence Management, and Termination of Employment, to be applied in the new council.

Harmonisation of Terms and Conditions of Employment

2.23 A corporate project to harmonise the terms and conditions of employment has been established and the Overview Management and Resources Committee considered the two recent reports to Cabinet about this at the meeting on 26 November 2009.

2.24 The Governance structure for the Harmonisation project includes a representative of Scrutiny (Cllr Ricky Rogers) on the Project Executive Board, and there will be a progress report to OM & R Committee in May 2010.

2.25 A dedicated (seconded) team has been established within HR to support harmonisation. Financial parameters have been set by Cabinet. The harmonised set of terms and conditions will be subject to negotiation with the recognised unions and approval by the Staffing Policy Committee.

3. Proposal

3.1 The Committee is asked to note this report.

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Background Papers **None**

Appendices: 1. Principles and process for Appointments to Corporate and Service Director posts

2. One Council Appointments Process
3. Home to Work Excess Mileage Scheme
4. LGR Severance Policy
5. The application of the One Council Appointments process