

Appointments Procedure

Revised Procedure for Appointing To Posts in the New Structure

This procedure is a collective agreement to apply in the period prior to and following Local Government Reorganisation (LGR). It will remain in force until its purpose is fulfilled and removed by agreement.

[Purpose](#)

[Scope](#)

[Preventative Measures](#)

[Ownership](#)

[Ring Fenced Prior Consideration](#)

[Appeals against Ownership and Ring Fenced Prior Consideration](#)

[Removal of Existing Job](#)

[Unfilled Posts Following Ownership and Ring Fenced Prior Consideration \(voluntary early redeployment\)](#)

[Redeployment with effect from 1 April 2009](#)

[Unfilled Posts](#)

[Volunteers for Early Termination of Employment](#)

[Support for Redundant Staff](#)

[Appeals](#)

[Harmonisation](#)

[Co-operation and Consultation](#)

1. Purpose

The purpose of this procedure is to:-

- Seek to maximise appointments and minimise compulsory redundancies.
- Comply with employment law/individual rights.
- Appoint suitable people.

Support those staff whose employment is being terminated.

2. Scope

2.1. This procedure applies to all staff :-

- a. Currently employed by the County Council as at the 1st April, 2009 excluding those employed under the Soulbury Agreement and JNC for Chief Officers and those employed in schools.

- b. Employed by the District councils as at the 31st March, 2009 and who have the statutory right to be transferred to the employment of Wiltshire Council with effect from 1st April, 2009.

3. Preventative Measures

3.1. In addition to the measures specifically referred to elsewhere in this procedure, in order to maximise appointments and minimise compulsory redundancies:

- a. The County Council and District Councils will continue to apply the recruitment protocol currently in place which seeks to restrict permanent appointments in service areas most likely to be affected by structural change.
- b. The new Wiltshire Council will continue to apply such a restriction until satisfied that the opportunity for continuing employment for permanent employees will not be jeopardised.

3.2. Any proposed removal of or change to the recruitment protocol will be the subject of joint discussion.

4. Ownership

Ownership will apply:-

4.1. Where a post in the new structure is substantially the same as the post-holder's existing post, i.e.

- a. The same or substantially the same duties and responsibilities identified from the existing and new job description/job information or evaluation questionnaire, or other relevant documentation.
- b. The same or very similar skill, knowledge/experience mix having regard to the job description/job information questionnaire/recent recruitment exercises.
- c. The similarity of job evaluation score. Similarity will apply where the evaluation score for the existing job falls within the evaluation points range of the grade for the job in the new organisation. (Job Evaluation of the existing job and that in the new organisation will be conducted by trained and joint panels of evaluators using the Greater London Provincial Council scheme as applied by the County Council.)

4.2. The number of existing job holders who meet the criteria above is the same as or less than the number of jobs in the new structure.

4.3. Where ownership is established the post-holder :-

- a. If previously employed by the County Council will be appointed on the evaluated grade and pay rate attaching to the post; and
- b. If previously employed by a District Council will continue to be employed on their existing pay and other terms and conditions subject to (c) below; and

- c. Where the pay rate attaching to the evaluated grade is higher than the post holders current pay, the post holder will be appointed to that higher level, but remain on their other existing terms and conditions.

5. Ring Fenced Prior Consideration

5.1. Where the criteria in 4.1 above are met but the number of jobs available in the new organisation is less than the number of staff meeting those criteria, appointment will be made on the basis of "ring fenced prior consideration".

5.2. Selection from within that ring fence will be by the following :-

- a. An interview with the manager of the section in which the vacant post is located. (The manager will have been issued with a briefing pack, from which the Trade Unions will have been consulted, designed to promote consistent and objective selection. The manager will be required to keep a record of the outcome of the interview.)
- b. A statement from the existing manager specifying whether the employee is currently subject to any disciplinary/capability proceedings or warnings and to the number and level of the employees sickness absence during the past year. (This statement will be made available to the employee in advance of the interview).

5.3. Where ring fenced prior consideration is established the post-holder :-

- a. If previously employed by the County Council will be appointed on the evaluated grade and pay rate attaching to the post; and
- b. If previously employed by a District Council will continue to be employed on their existing pay and other terms and conditions subject to (c) below; and
- c. Where the pay rate attaching to the evaluated grade is higher than the post holders current pay, the post holder will be appointed to that higher level, but remain on their other existing terms and conditions.

5.4. Those staff within the ring fence who are not appointed by the application of the prior consideration selection process will be at risk of termination of their employment on the grounds of redundancy, and will be subject to the redeployment process as a means of trying to avoid the termination of their employment.

6. Appeals against Ownership and Ring Fenced Prior Consideration

6.1. An employee may appeal on the following grounds.

6.2. He/She has been:

- a. Appointed to a post on the basis of ownership or ring fence prior consideration which is not substantially the same as their existing post
or

- b. Not appointed to a post on the basis of ownership or not considered for employment through ring fence prior consideration despite there being a post substantially the same as their existing post

6.3. Any appeal will need to be supported by evidence (such as the JEQ for the existing post). The appeal will be determined within 10 working days of the appeal being submitted by the Service Director for the post in question, the Assistant Director (LGR staffing transition) and a Trade Union representative

7. Removal of Existing Job

7.1. Those staff whose existing job is removed or is substantially changed and are at risk of termination of their employment on the grounds of redundancy will be subject to the redeployment process as a means of trying to avoid termination of their employment.

8. Unfilled Posts Following Ownership and Ring Fenced Prior Consideration (voluntary early redeployment)

8.1. Following appointments by ownership and ring fenced prior consideration unfilled posts will be advertised in the period to the 31st March 2009 to all staff in order:-

- a. To maintain services.
- b. To provide displaced staff with the opportunity to secure an appointment prior to April 2009.
- c. To provide staff who have been appointed on the basis of ownership or ring fenced prior consideration with an opportunity to secure a more senior post, thereby providing further opportunity for displaced staff to be appointed.

8.2. Appointment to such posts will :-

- a. Take effect from the date of appointment, rather than 1st April, 2009.
- b. Be on the terms and conditions attaching to the post.

9. Redeployment with effect from 1 April 2009

9.1. An employee who is not allocated a post on the basis of ownership or ring fenced prior consideration (see paragraphs 4 and 5 above) or voluntary early redeployment (see paragraph 8 above) or whose job is removed or is substantially changed (see paragraph 7 above)

- a. Will continue to be employed on the terms and conditions applying as at the 31st March, 2009 and
- b. Will be issued with At Risk notice on or shortly after 1st April, 2009.
- c. Will be the subject of statutory consultation on or shortly after 1st April, 2009.

- d. If necessary will be issued with notice of termination of employment following the consultation. (The period of notice will be the statutory or contractual, whichever is the greater)
- 9.2. During the period of consultation and notice the employee will be subject to the redeployment process for a period of three months and will be subject to the measures for redeployment set out below for the possible provision of suitable alternative employment. If, despite those measures, no suitable alternative employment is made available, then at the end of that notice period the employment will cease on the grounds of redundancy, with access to the appropriate severance payments. In exceptional cases, and by mutual consent, the period notice can be shortened.
- 9.3. Any vacancy which arises whether because of staff turnover or because it is a new post will be examined as potential redeployment for an individual who is in the "redeployment pool".
- 9.4. The matching of a potentially redundant employee against a vacancy will be based upon factors such as similarity of :-
- a. Duties and responsibilities;
 - b. Knowledge, skill and experience;
 - c. Job evaluation score (see paragraph 4.1[c] above and 9.8 below);
 - d. Working hours and time;
 - e. Location (But having regard both to the general requirement that this will be applied by all parties reasonably and to any particular individual circumstances. A scheme of additional travelling expenses will be developed to recompense staff for additional travelling costs).
- 9.5. Selection will be by the following :-
- a. An interview with the manager of the section in which the vacant post is located. (the manager will have been issued with a briefing pack about which, from which the Trade Unions will have been consulted, designed to promote consistent and objective selection. The manager will be required to keep a record of the outcome of the interview.)
 - b. A statement from the existing manager specifying whether the employee is currently subject to any disciplinary/capability proceedings or warnings and to the number and level of the employees sickness absence during the past year. (This statement will be made available to the employee in advance of the interview).
- 9.6. All offers of suitable alternative employment will be subject to a trial period of four weeks in accordance with statutory requirements but with the ability to be mutually extended to three months to enable re-training and familiarisation with the requirements of the job.
- 9.7. Staff who are in the redundancy redeployment pool but who reject an offer of suitable alternative employment risk forfeiting their severance

payment. (Where forfeiture of severance payment is being considered for unreasonable refusal there will be consultation with the employee before any decision is made).

- 9.8. Where the evaluated score for the existing job falls within one grade higher or lower than the evaluated grade for a new job it will be regarded as potentially suitable.
- 9.9. Where the pay rate attaching to the evaluated grade is higher than the post holder's current pay, the post holder will be appointed to that higher level.
- 9.10. Where a lower paid post is offered and accepted as suitable alternative employment then protection of base pay will apply for a period of three years. Existing base pay will be frozen at its current level. During the protection period no increments or national pay awards will be applied until the minimum of the grade of the new substantive post matches or exceeds the frozen salary. At the end of the protection period the employee will be placed upon the maximum of the substantive grade.

10. Unfilled Posts

- 10.1. Posts which are not filled after the application of ownership, ring fenced prior consideration, voluntary early redeployment, and which have made available to those within the redeployment pool without an individual having been successfully appointed, will be subsequently advertised to all staff within the new organisation. Only when all these avenues have been exhausted may vacancies be advertised externally.
- 10.2. Selection will be by the following:-
 - a. An interview with the manager of the section in which the vacant post is located. (the manager will have been issued with a briefing pack, about which the Trade Unions will have been consulted, designed to promote consistent and objective selection. The manager will be required to keep a record of the outcome of the interview.)
 - b. A statement from the existing manager specifying whether the employee is currently subject to any disciplinary/capability proceedings or warnings and to the number and level of the employees sickness absence during the past year. (This statement will be made available to the employee in advance of the interview).
- 10.3. The appointment will be on subject to the County Council's grade and pay arrangements and to its other terms and conditions.

11. Volunteers for Early Termination of Employment

- 11.1. The authority will seek to be flexible in order to avoid compulsory redundancies. It will therefore consider requests for redundancy from any employee who

- a. Is ring fenced for prior consideration but whose withdrawal from that ring would enable the continuing employment of an otherwise potentially compulsory redundant employee.
- b. Has a job in the new organisation but whose redundancy would avoid an otherwise compulsory redundancy (i.e. the bumped principle).

11.2. The authority will also sympathetically consider requests for termination of employment from staff who are placed in the new organisation but whose dismissal would not avoid a compulsory redundancy. In such circumstances the test of redundancy might not be met but the authority would sympathetically consider the termination of the employment on the grounds of the efficiency of the service with access to the appropriate severance package.

11.3. In considering such requests under 11.1 and 11.2 above, the Authority will have regard to the particular circumstances, but will need to ensure that it retains sufficient skills, expertise and experience to deliver services. Additionally, having had regard to the particular circumstances, the Authority may define categories of employee from whom it invites volunteers.

11.4. There will be no right of appeal against the refusal by the Authority to agree a request for early termination of employment.

12. Support for Redundant Staff

12.1. The authority will make available to those staff whose employment is being terminated on the grounds of redundancy (or efficiency of the service) a package of assistance such as :-

- a. Supporting the individual in the period leading to the termination of their employment, for example through counselling or coaching.
- b. Providing practical support to assist in the search for employment including, for example, IT skills training or other relevant training.
- c. Providing financial advice.

12.2. The authority will seek to tailor the support available to the particular needs of individuals.

13. Appeals

13.1. An employee whose employment is terminated on the grounds of redundancy will have the right to appeal against the dismissal.

14. Harmonisation

14.1. Grade and pay arrangements, and other terms and conditions, which are equal pay compliant will apply to all staff with effect from 1st October 2009.

14.2. There will be a proper process of consultation and negotiation to this end.

15. Co-operation and Consultation

15.1. There will be full co-operation between the parties on the application of this procedure.

15.2. Any employee who is the subject of its application has the right to be accompanied to any meeting with Management by a Trade Union Representative.

Richard Woodroffe
Assistant Director, LGR Staffing - 1st October, 2008