

## **Wiltshire Council Human Resources**

### **Appointments Policy and Procedure for chief and senior officers defined by this policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#)

#### **What is it?**

This policy and procedure provides information on the appointment to chief and senior officer posts which fall within the Officer Employment Procedure Rules contained within part 15 of the [Constitution](#). It also provides a process to ensure that chief and senior officers whose posts fall within the Rules and are facing redundancy and service redesign are provided with an opportunity to be matched to suitable vacancies before these are advertised.

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#### **When does it apply?**

This policy and procedure applies to:

- head of paid service (the chief executive officer)
- statutory chief officers (director of children and education, director of community services and the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the authority's financial affairs)
- non statutory chief officers (other corporate directors)

- deputy chief officers (service directors and some heads of service as defined in section 2(8) of the [Local Government and Housing Act 1989](#))

### **When does it not apply?**

Where the appointments process involves posts not listed above, the standard [appointments policy and procedure](#) should be used.

### **What are the main points?**

Roles currently filled on a temporary basis

1. If the role is already being performed by an employee on a temporary contract of employment (issued by either a Wiltshire District or County Council, or Wiltshire Council), a recommendation will be made to the Officer Appointments Committee to offer a permanent post (following the procedure in paragraphs 12 & 13 stated below).
2. The appointment to the temporary post must have been via a competitive process i.e the vacancy was advertised and the employee was taken through a recruitment and selection process.

Recruitment and selection procedure

3. All vacancies for chief or senior officers who are covered by this policy will firstly be made available to relevant officers in the redeployment pool and any suitable candidates will be interviewed.
4. If an appointment cannot be made internally, the job will be advertised externally in the national media. A recruitment agency may be procured to assist in the recruitment and selection of chief and senior officer posts.
5. Once the application deadline is reached all applications will be forwarded to the appointing manager and arrangements made with the Officer Appointments Committee to select suitable candidates for the next stage in the recruitment and selection programme in conjunction with HR.
6. The Officer Appointments Committee will approve all candidates for the longlist. These candidates may then participate in a selection process, usually consisting of an initial interview and testing carried out by the recruitment agency (where appropriate). The maximum number of

candidates selected for the longlist is usually but not limited to 12 candidates.

7. The Officer Appointments Committee will agree candidates for the shortlist based upon the applications and evidence provided from the longlist selection process. The maximum number of candidates selected for the shortlist stage is usually but not limited to 6 candidates.
  8. The appointing manager and HR will produce the selection programme which usually takes place over 2 days. It should include (but is not limited to) interviews, the use of aptitude tests, meetings with community groups and stakeholder panels, presentations and media skills.
  9. The Officer Appointments Committee will be asked to agree the selection process to be used.
  10. The appointing manager or their nominee will be responsible for the administration of the selection programme.
  11. At the end of the final day of the selection programme the Officer Appointments Committee will take advice from representatives of HR, the legal team and democratic services and based upon the evidence from the recruitment and selection process, will make an appointment, subject to the procedure set out in paragraphs 12 and 13 below.
  12. Once the Officer Appointments Committee has made a decision, the appointment cannot be ratified until:
    - The director of resources has been notified; and
    - The director of resources has notified every member of the Cabinet of:
      - the name of the person to whom the appointer wishes to make an offer;
      - any other particulars relevant to the appointment; and
      - the period within which any objection to the making of the offer is to be made by the leader on behalf of the executive to the director of resources;
- and
- Either
    - the leader has, within the period specified, confirmed to the appointer that no member of the Cabinet has any objection to the making of the offer; or

- the director of resources has notified the appointer that no objection was received within that period from the leader; or
  - the appointer is satisfied that any objection received from the leader within that period is not material or is not well-founded
13. In addition to the above, for the appointment to the post of head of paid service, the appointment decision is subject to ratification of the full Council. The service director – HR & OD will be responsible for presenting the report to full Council to confirm the appointment.

#### Service redesign

14. During a process of service re-design that involves a re-structure that may affect a job, employees will be subject to a period of statutory consultation, and this may include being invited to volunteer for redundancy. Please see the redundancy policy and procedure for chief and senior officers for further information.
15. Where an employee volunteers and is accepted for redundancy as a result of service re-design, they will not be subject to the ownership/ring-fenced/redeployment processes detailed below.
16. If a section, team or department is undergoing service redesign which may include a re-structure that may affect a job role (and therefore results in some posts being deleted) and the employee does not volunteer for redundancy, they will be considered for a vacancy on the terms stated below.

#### Ownership of a post

17. Employees will be identified for ownership of a post in a new structure when it is the same grade as their current post and the number of postholders meeting the criteria below is the same as or less than the number of jobs available. Ownership must meet the following criteria:
- the current post and the new post have the same duties and responsibilities outlined in the job description or job evaluation questionnaire
  - the current post and the new post have the same skill, knowledge and experience mix

- the current post and the new post have the same working patterns and work locations
18. For appointments to a post that requires a statutory qualification, only employees holding this qualification will be identified for ownership.
  19. The appointing manager in conjunction with HR will present a report to the Officer Appointments Committee to approve the appointment. The Officer Appointments Committee may conduct a selection interview with the employee before making an appointment decision. A member of the legal team will also be in attendance.
  20. If ownership is approved in accordance with the procedure in paragraphs 12 & 13 above employees will be appointed on Wiltshire Council terms and conditions of employment.

#### Ring-fenced prior consideration

21. Employees will be ring-fenced to apply for a post in a new structure when it is the same grade as their current post but the number of postholders meeting the criteria is **more** than the number of jobs available.
22. In order to be ring-fenced for a post, employees must meet the criteria set out in paragraph 17 above for ownership of a post. The appointing manager in conjunction with HR will complete the ownership/ring-fenced selection grid to determine whether they meet these criteria.
23. Employees will be required to participate in a formal selection interview conducted by the Officer Appointments Committee, which will determine the best candidate for the position. If the Officer Appointments Committee decides that an offer of an appointment should be made, the appointment cannot be confirmed until the procedure in paragraphs 12 and 13 above has been followed and no valid objections have been received.
24. If the appointment is approved employees will be appointed on Wiltshire Council terms and conditions of employment.

#### Appeals against ownership or ring-fence

25. Employees may appeal in writing against an ownership or ring-fence decision if:

- they have been appointed to a post which is not the same as their existing post
  - they have **not** been selected through ownership or ring-fence for a post despite it being the same as their existing post
26. Appeals should be submitted in writing to the Appeals Committee within a maximum of 5 working days of the ownership decision.
27. The appeal will be considered by the Appeals Committee and the employee will be informed of the outcome within 15 working days of the appeal being received.
28. There is no further right of appeal against the decision.

#### Redeployment

29. The redeployment pool consists of employees who are at risk from compulsory redundancy and termination on the grounds of ill health (in line with the sickness absence management policy). It provides these employees with an opportunity to find suitable alternative employment within the council before termination of employment.
30. Employees who are granted voluntary redundancy will not be placed in the redeployment pool.
31. Employees who are not allocated a post through ownership or ring-fenced prior consideration or where their job is removed or substantially changed, will be:
- issued with an At Risk notice
  - the subject of consultation
  - if no suitable alternative employment is found, issued with notice of termination of employment following the statutory consultation period.
32. During the period of consultation and notice employees will be subject to the redeployment process. This will normally be for a maximum of 3 months in order to allocate suitable alternative employment. Employees will be asked to complete the redemption form to supply the broad nature of their work, their current work location, possible alternative work location, current working hours and arrangements and possible working hours and arrangements.

33. The recruitment team will identify potential suitable alternative employment opportunities for employees within the redeployment pool from the vacancies advertised.
34. Managers in conjunction with their HR business partner will assess whether a vacancy may constitute suitable alternative employment taking into account reasonable adjustments. Employees will be matched against a post based upon factors such as the similarity of:
  - job duties and responsibilities
  - knowledge, skill and experience
  - same job grade, one grade above or one grade below
  - working hours and time
  - location
35. Employees will be required to participate in a formal selection interview conducted by the Officer Appointments Committee to determine suitability for the position. If the Officer Appointments Committee decides that an offer of an appointment should be made, the appointment cannot be confirmed until the procedure in paragraph 12 and 13 above has been followed and no valid objections have been received.
36. If the appointment is approved employees will be appointed on Wiltshire Council terms and conditions of employment.
37. The appointing manager will complete the [redemption starter form](#) and forward to their HR business partner who will arrange for a suitable alternative employment letter and contract if required to be sent. The appointing manager will also complete [a redemption appointment form](#) for each candidate (both successful and unsuccessful).
38. Employees will be subject to the statutory right to training and a trial period of 4 weeks that can be extended to three months by mutual agreement to enable re-training and familiarisation with job requirements.
39. If the trial period is unsuccessful within the maximum notice period, the manager and employee will agree a period (of not less than 4 weeks) for the employee to be placed back in the redeployment pool before termination of their contract.
40. If the trial period is unsuccessful by mutual agreement employees will be placed back in the redeployment pool for other suitable alternative employment within the maximum 3 month period.

41. If employees fail to engage with the redeployment process, they are at risk of forfeiting any redundancy compensation.
42. If despite these measures, no suitable alternative employment is found a report will be sent to the Senior Officers' Employment Sub-committee recommending that you be dismissed on the grounds of compulsory redundancy. If the Senior Officers' Employment Sub-committee recommends dismissal Cabinet will be notified following the procedure in paragraph 11 of the redundancy policy for chief and senior officers. If no valid objections are received the employee will be given notice of dismissal on grounds of compulsory redundancy (according to the individual contract) In exceptional circumstances and by mutual consent, the individual contractual notice period may be shortened for which payment in lieu will be made.
43. Employees have the right of appeal against a decision to terminate employment to the Staffing Appeals Sub-committee in line with the redundancy policy and procedure for chief and senior officers.

## **Roles and responsibilities**

### Employee responsibilities

44. To be responsible for identifying suitable alternative employment opportunities from the vacancies advertised whilst in the redeployment pool.

### Line manager responsibilities

45. Applying this policy fairly and consistently ensuring that suitable appointments are made to vacant posts and posts within a new structure.
46. Working with the HR business partner to plan any organisational changes which may impact upon chief and senior officers.
47. Considering alternative options to recruiting such as the use of temporary contracts, acting up opportunities, redistributing work within the team and restructuring.
48. Recommending to the Officer Appointments Committee recruitment and selection programmes in order to recruit to chief and senior officer posts.



49. Recommending to the Officer Appointments Committee all suitable employees for ownership of a post within the new structure applying the criteria stated above and the ownership grid provided.
50. Recommending to the Officer Appointments Committee all suitable employees for ring-fenced prior consideration (taking into account reasonable adjustments) for a post within the new structure by applying the criteria stated above.
51. To ensure that each appointment is ratified by the Cabinet in accordance with the Officer Employment Procedure Rules in Part 15 of the Constitution and that full Council approval is obtained if appointing to the post of chief executive prior to the issue of any offers of appointment.
52. Retaining detailed notes concerning appointments to support any decisions made. Copies should be forwarded to HR to be retained on the employee's personnel record.

#### HR responsibilities

53. To apply this policy fairly and consistently, providing advice to ensure that suitable appointments are made to vacant posts and posts within a new structure.
54. To work with the appointing manager to plan any organisational changes which may impact upon chief and senior officers.
55. To provide consistent advice and guidance on the appointments process where appropriate to ensure that suitable appointments are made to posts.
56. To work with the appointing manager to design suitable recruitment and selection programmes for the approval of the Officer Appointments Committee.
57. To work with the appointing manager in selecting suitable employees for ownership and ring-fenced prior consideration.

#### Frequently asked questions

58. **If an employees is in the redeployment pool and accepts a lower paid post as suitable alternative employment will pay be protected?**

If a lower paid post (one grade below) is accepted as suitable alternative employment, protection of base pay will apply for 3 years. Existing base pay will be frozen and will not be subject to incremental or national pay awards. Wiltshire Council terms and conditions will apply.

59. **If the service is restructured and employees apply for or are redeployed to a new position, will they remain on existing terms and conditions?**

Employees will be appointed on Wiltshire Council terms and conditions

60. **What is the redeployment pool?**

The redeployment pool consists of employees who are at risk from compulsory redundancy and termination on the grounds of ill health (in line with the sickness absence management policy). This enables employees to be given prior consideration to be matched to suitable alternative employment.

If no suitable alternative employment is identified for employees who are at risk from compulsory redundancy either by the employee or the council the procedure in paragraph 41 above will be followed. If the dismissal is ratified by Cabinet, they will be given notice and employment will cease on the grounds of compulsory redundancy in line with the chief officer redundancy policy and procedure for chief and senior officers.

61. **How will employees in the redeployment pool be matched against a vacancy?**

All vacancies will be checked against employees in the redeployment pool for suitable alternative employment opportunities. Suitable employment opportunities will be based on the following criteria:

- job duties and responsibilities
- knowledge, skills and experience
- same job grade one grade above or one grade below
- working hours and time
- location

Employees are also responsible for identifying suitable alternative employment opportunities from the vacancies advertised (excluding schools).

Vacancies can be accessed via <http://jobs.wiltshire.gov.uk> or by contacting HR.

**62. What support will Wiltshire Council provide for employees facing redundancy?**

Employees will be placed in the redeployment pool and given prior consideration to be matched to suitable alternative employment. Employees are also responsible for identifying suitable alternative employment opportunities from the vacancies advertised.

Wiltshire Council will also seek to support employee needs which may include:

- support in the period leading to the termination through counselling/coaching
- providing practical support in the search for employment including IT skills and other relevant training
- providing financial advice

For further information please see the [employee assistance programme](#)

**63. What do employees facing redundancy need to do?**

Whilst employees are in the redeployment pool they will also be responsible for identifying suitable alternative employment opportunities from the vacancies advertised.

Employees should also be responsible for their own personal development such as identifying suitable training that will help in redeployment.

**64. If an employee is on maternity leave, what are their rights in relation to ring-fenced prior consideration for a post?**

If an employee is on maternity leave and has been ring-fenced for a post they will be interviewed by the Officer Appointments Committee ahead of other candidates who have been ring-fenced and are not on maternity leave. If they meet the criteria for the post, they will be appointed (subject to paragraphs 11 & 12 above). This is in line with the Equality Act 2010.

**Definitions**

The Officer Appointments Committee consists of 5 councillors to include at least one member of Cabinet. It is responsible for agreeing the recruitment and selection programme, decisions at each stage of the process (i.e. longlisting and shortlisting) and the final appointment to posts that are covered by this policy and procedure, subject to the officer employment procedure rules as set out in part 15 of the constitution.

### **Equal Opportunities**

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on [equal opportunities in appointments](#).

### **Legislation**

This policy and procedure follows the officer employment procedure rules contained within part 15 of the [constitution](#)

### **Further information**

This policy should be read in conjunction with:

- Redundancy policy and procedure for chief and senior officers
- [Recruitment and selection policy](#)

A toolkit providing further information including template letters, forms and manager's guidance is provided on HR Direct.

For further information please speak to your manager or contact your [HR advisor](#).

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