

15th APRIL 2008

Recruitment Process:
Principles and Process for Making Appointments to Two Top Tiers

Purpose

1. To note, seek endorsement and recommend to the County Council the proposed principles and process for filling posts of Corporate Director (i.e. Chief Officers and possibly to be designated Strategic Directors) and Service Directors (i.e. second tier posts).

Background

2. This paper needs to be read in conjunction with that of the Chief Executive on the structure and organisation of the new Council.
3. If the Implementation Executive approves the proposed new structure, there will be:-
 - 3.1 5 posts of Corporate Director.
 - 3.2 26 posts of Service Director or (in the Department of Resources) Heads of Service.
4. It would:-
 - 4.1 accelerate the process of developing and notifying the structure below second tier; and
 - 4.2 thereby assist in being able to inform staff on matters of concern regarding their future employment.

for appointments to these two tiers to be made as soon as possible.
5. The Minister has indicated that he is considering making regulations governing the appointment of Corporate Directors. At present his decision is not known. If he does decide to regulate:-
 - 5.1 There would need to be an expensive and time consuming recruitment process which would stretch well into the summer.

- 5.2 There would be a further period of uncertainty which could be destabilising and distract from the progress towards preparing for re-organisation in April 2009.

Principles and Process for Making Appointments

6. The proposed principles and process for making appointments are set out in the Appendix.
- 6.1 They assume that there will be no requirement for open national competition for Corporate Director posts.
- 6.2 They reflect the status of the County Council as the continuing authority.
- 6.3 They recognise statutory employee rights and the obligation on employer to seek to avoid dismissal on the grounds of redundancy.
7. The appointment of Service Directors is not subject to any Ministerial decision. The attached Principles and Process:-
- 7.1 Have regard to the two same considerations as in paragraphs 6.2 and 6.3 above; and
- 7.2 Equate the role of Assistant Directors (i.e. second tier) in the County Council with Directors (i.e. first tier) in the District Councils.

This latter point is the subject of continuing discussion with Personnel officers in the five Councils, as the arrangements are not precisely comparable. Detailed guidance will be produced.

Recommendation

8. The Implementation Executive is asked to note, endorse and recommend to the County Council the attached principles and process for making appointments to the posts of Corporate Director and Service Director.

These principles may be subject to review in the light of any staffing regulations issued by the Minister.

RICHARD WOODROOFE
ASSISTANT DIRECTOR

Principles and Process for Making Appointments to Posts of Corporate Director and Service Director

1. Corporate Director

1. The Minister has yet to decide whether to make regulations governing the appointment of Corporate Directors to unitary councils. This note is written on the basis that he will decide not to do so.
2. If Minister does not regulate but leaves the appointment of Corporate Directors to local determination then the following principles should govern appointments.
 - 2.1 Safeguard employment in accordance with statutory employee rights, and good employee relations practice.
 - 2.2 Appoint suitable people.
3. In accordance with the above principles :-
 - 3.1 Where a post of Corporate Director is the same or substantially similar to the existing role by reference to job content (e.g. range of responsibilities and size), to qualifications, skills and experience necessary to perform the role then existing job holder “owns” and continues in post. There are no lawful grounds for not continuing.
 - 3.2 Where a post of Corporate Director in the County Council or Chief Executive in the District Council disappears or is fragmented, and the job holder is displaced and potentially redundant, identify possible suitable alternative employment as a means of reducing the risk of redundancy dismissal. Ring fence any potentially suitable alternative employment identified to the displaced Corporate Director(s) in the County Council and Chief Executives in the District Councils. Officer Appointments Committee of County Council determines the appointment.
 - 3.3 Where a post of Corporate Director remains vacant because there is no “ownership” and it is not used for suitable alternative employment, (i.e. following

stages 3.1 and 3.2 above), advertise the post openly and nationally. County Council Officer Appointments Committee determines the appointment.

2. Service Directors

1. General principles governing the appointment of Service Directors.

- 1.1. Safeguard employment opportunities in accordance with employee rights and good employee relations practice.
- 1.2. Provide employment opportunities for staff whose employment is at risk.
- 1.3. Provide promotion employment opportunities for other staff.

2. In accordance with the above principles

- 2.1 Where a post of Service Director is the same or substantially similar to the existing post by reference to job content (e.g. range of responsibilities and size) to qualifications, skills and experience necessary to perform the role then existing job holder “owns” and continues in post. There are no lawful grounds for not continuing.
- 2.2 Where a post of Assistant Director in the County Council or Director in a District Council disappears or becomes fragmented and the job holder is displaced and potentially redundant, identify possible suitable alternative employment as a Service Director as a means of avoiding redundancy dismissal. Ring fence the appointment to the displaced Assistant Director(s) in the County Council and displaced Directors in the District Councils, who are facing redundancy and for whom by reference to previous job content, (e.g. range of responsibilities and size,) to qualification, skills and experience necessary to perform the role and to their pay and their place in the organisational structure, the identified post would appear suitable alternative employment. Officer Appointments Committee determines the appointment.
- 2.3 Where a post of Service Director remains vacant because there is no “ownership” and it is not used for suitable alternative employment, advertise internally (i.e. to all County Council and District Council staff) as a possible

means of providing a promotion opportunity and to pre-empt further potential displacement when organisational structures are finalised. Officer Appointments Committee determines the appointment.

- 2.4 Where a post of Service Director remains vacant because there is no ownership, because it does not constitute suitable alternative employment and does not provide a promotion opportunity, (i.e. following stages 2.1, 2.2 and 2.3) advertise the post openly and nationally. Officer Appointments Committee determines the appointment.

3. Bumped Redundancy from Flexibility

There may be staff for whom there are posts available but who would be willing to consider the termination of their employment which in turn would safeguard the employment of an otherwise redundant employee. In such circumstances sympathetic consideration will be given to any such willingness, but no guarantees can be given. Agreement will depend upon the particular circumstances.