



IMPLEMENTATION EXECUTIVE (Special Meeting)

Minutes of the meeting held on 7 May 2008

In Attendance

Wiltshire County Council

Mrs Jane Scott – Leader – in the Chair
Mr John Thomson – Deputy Leader
Mr Mark Baker
Mrs NS Bryant
Miss Fleur de Rhe Philipe
Mrs Mary Douglas
Mr John Noeken
Mr Toby Sturgis
Mrs Bridget Wayman

Kennet District Council

Mr Lionel Grundy – Leader

North Wiltshire District Council

Mr Dick Tonge - Leader
Mrs Allison Bucknell – Deputy Leader

Salisbury District Council

Mr Steven Fear – Deputy Leader

West Wiltshire District Council

Mr Tony Phillips – Deputy Leader
Mr Rod Eaton

Also in attendance: Mr PCB Coleman, Mr A Molland, Mr JB Osborn and Mr T Thorpe (SDC).

30. Apologies

Apologies were received from Mr Sample.

Mr Grundy also reported that at the Annual Meeting of Kennet District Council Mr Philip Brown had been appointed to the Implementation Executive to replace Mr Willmott. Mr Brown however could not attend the meeting.

31. Members' Interests

No interests were declared.

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

The Implementation Executive considered the report of the Head of Transition HR on the recruitment process for making appointments to the top two tiers of the organisation.

The Leader reminded members that consideration of this matter had been deferred from the last meeting of the IE to await draft regulations from the Minister and Counsel's opinion. An additional report had now been circulated which dealt with both of these issues.

The County Council's Chief Executive reported that the final version of the regulations had yet to be received but draft regulations had been discussed with officers from the DCLG as well as non statutory guidance from the Minister. These confirmed a number of issues but also provided for the IE to make the appointments at Corporate Director level and potentially at Service Director level. Ministerial guidance seemed to suggest that these posts should be exposed to external appointment however Counsel's opinion suggested that this would compromise the employment rights of current staff.

The consensus was that the appointments process should follow that laid down within the report as this had received legal endorsement and that it should start now in advance of the regulations coming into force.

The Head of Transition HR then reported on the comparability exercise undertaken to evaluate the roles of Director in the four District Councils and to equate those roles using the HAY job evaluation process. This resulted in those posts being equated to current Assistant Director posts within the County Council and their consequent omission from prior consideration for a post of Corporate Director, a process referred to as ring fencing.

Some District Council Members expressed their concern at this evaluation process both in terms of the outcomes and the constraints concerning those staff included within the ring fencing arrangements.

The Solicitor to the County Council emphasised that the ring fencing arrangements had to be drawn up in such a way so as not to dilute the employment rights of current staff. According to Counsel's advice the recommended process was the option least likely to be successfully challenged.

In response to this advice District Council Members asked for discussions to take place with Trade Unions as soon as possible, for the outcome of the evaluation process to be independently validated and for discussions to take place with District Council HR staff to ensure that the appropriate consultation had been undertaken with the postholder.

Members also agreed to revise the process so that if no appointment was made after the initial interviews with ring fenced staff, the appointment should then be offered to all internal staff of the five councils before an external advertisement was put in place.

The IE was also asked to agree a mechanism for the appointments process to posts of Corporate and potentially Service Director. The consensus view was that an appointments sub committee should be established with this responsibility.

Members agreed that this should comprise 4 County Council members of the IE and one IE member from each of the District Councils.

The Solicitor to the County Council reported that pending the formal introduction of the regulations these would be informal appointments which would require subsequent endorsement by the panel with the same membership.

An initial list of dates for the Appointments Sub Committee was circulated and District Councils were asked to appoint a Member to lead on this process.

Resolved:

- (a) To endorse and to recommend to the County Council's Staffing Policy Committee the principles and policies set out in the attached revised appendix for the appointments to the two top tiers of the organisation subject to the outcome of the further work outlined above and a revision to the appointments process whereby if no appointment is made from the initial interviews of ring fenced staff, then the appointment is opened up to all staff of the five councils before an external advertisement is placed.**
- (b) To appoint an Appointments Sub Committee comprising four County Council members of the IE and one IE member from each of the District Councils to be responsible for the appointment to posts of Corporate Director and possibly Service Director.**

(NB. Mr Fear requested that his dissent from both of the above decisions be recorded.)

The meeting closed at 12.05 pm

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

1. Corporate Director

If the Regulations (currently in draft) leave the appointment of Corporate Directors to local determination then the following principles should govern appointments.

- 1.1 Safeguard employment in accordance with statutory employee rights, and good employee relations practice.
- 1.2 Appoint suitable people.

2. In accordance with the above principles:

- 2.1 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.
- 2.2 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. Implementation Executive determines the appointment.
- 2.3 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 2.1 and 2.2 above), 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. Implementation Executive determines the appointment.

- 2.4 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, 3.2 and 3.3 above), advertise the post openly and nationally. Implementation Executive determines the appointment.

3. 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. Implementation Executive 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. Implementation Executive 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). Implementation Executive 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.