



Local Government Staff Commission (Scotland)

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Chief Executives of new Councils

copy to Chief Executives of Regional, Islands and District Councils
Chief Executives of new Water and Sewerage Authorities
Principal Reporter, Scottish Children's Reporter Administration
Chief Constables
Firemasters
Regional Assessors
Director General, Strathclyde Passenger Transport Executive

14 July 1995

Dear Chief Executive

SELECTION AND MATCHING OF INDIVIDUALS TO POSTS IN THE NEW COUNCILS

Circular 4/95, which was issued on 30 June, indicated that the Commission would issue detailed advice as soon as possible on the question of selection and matching of individuals to posts after transfer. With this letter I attach a draft of our advice on that subject, on which your comments are invited. Comments should be addressed, please, to the Secretary of the Commission, and should arrive by **Monday 7 August**.

There is however one related matter on which the Commission thinks it necessary to issue positive advice now. The Commission has received approaches for advice on the filling of "fourth tier" management posts (ie posts below the levels covered in Circular 3/95) in advance of agreement on the transfer scheme. However in view of the fact that most of the individuals who would be in the field for consideration for such posts will be liable for inclusion in the normal course in transfer schemes, **the advice of the Commission is that councils should not fill posts at the fourth tier level (or indeed any posts other than those covered by the advice in the previous circulars) prior to the agreement of the transfer schemes:** all these other posts should be filled in due course in accordance with the criteria due to be set out in the forthcoming circular on selection and matching.

Yours sincerely,

R G E Peggie

CIRCULAR [...]/95

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SELECTION AND MATCHING OF INDIVIDUALS TO POSTS IN THE NEW COUNCILS

Background

1. The Commission has already given advice on the filling of posts down to third tier level, i.e. at Chief Officer, Depute and Assistant level (Circular 3/95) and on the selection of secretarial and support staff (Circular 5/95).
2. In Circular 4/95 the Commission gave advice on the preparation and agreement of transfer schemes. This set a deadline of 31 July for the existing authorities to supply, at least, basic staffing information to the new councils.
3. As part of this process the new and existing authorities are presently agreeing transfer schemes and in doing so the new councils are identifying possible staffing shortfalls/surpluses in relation to their initial structures.
4. Paragraph 14 of Circular 4/95 indicated that the Commission would issue detailed advice as soon as possible on the whole question of selection and matching of individuals to posts after transfer. This circular contains that advice.

Matching and Selection Process

5. Once the transfer scheme has been agreed the new councils will wish to make appointments to posts in their structure. The vast majority of posts will be unaffected by the reorganisation, e.g. schools, libraries and residential establishments, and therefore do not require to be covered by any matching or selection criteria. However where there has been an

alteration to the structure of posts at a particular level e.g. senior management posts, posts in central service departments, headquarters of departments, etc. it is necessary to adopt a uniform procedure which ensures fairness to all staff transferring.

6. In agreeing to the transfer scheme, in accordance with Circular 4/95 the new council will have identified any possible staffing shortfalls/surpluses and dealt with these in terms of the advice in the Circular. Also in terms of Circular 4/95, the existing authorities will have supplied the new councils details of the skills, job titles and current functions of the staff at each grade who will be transferring.

7. Since the level of any mismatches will very much depend upon the variations between the structures of the existing authorities and those set by the new councils there are many possible scenarios and it is therefore only possible to lay down some overall principles to guide councils. The Commission advises that the new and existing authorities should consult to agree appropriate detailed criteria based on these principles. In this connection authorities should consult the trade unions locally on their detailed proposals. The Commission is happy to become involved in assisting with the compilation of the detailed criteria.

8. Accordingly the Commission advises that the process for the matching and selection of staff to the new structure be in accordance with the following principles—

Identification of Mismatches

9. Once the transfer scheme has been agreed the new authority should identify all matches and mismatches in terms of numbers, grade, skills, etc. between the new structure, or part of it, and the structure of posts being transferred from the relevant functions and departments in the existing authorities. Where there is an exact match in a structure, or part of it, the relevant staff should be “matched in”, i.e. appointed to the posts in the new structure without interview

Surpluses

10. Where the mismatch is identified as a staffing surplus this should continue to be dealt with in consultation with the existing authorities in accordance with paragraphs 10 - 12 of Circular 4/95.

Mismatch of Salaries/Grades

11. Where the mismatch relates to grade/salary level, appointments should be made on a layered basis from top down.

11.1. Consideration for each level of post should be restricted to suitably qualified and experienced officers within those areas of the transfer schemes where there is a mismatch and whose present salary is on or above the salary level of the post in question. Where there is more than one eligible candidate all should be interviewed.

11.2. Any officer who is unsuccessful at this level should be “matched in” at the next level down. Alternatively the new authority may agree to create a supernumerary post at an appropriate level for the unplaced officer with these posts being deleted from the structure by a process of natural wastage, early retirement, etc.

11.3. Where there is no officer on or above the salary level of the post concerned but

the post is required to ensure that the total number posts in the new structure equates to the total staffing numbers being transferred, consideration should be restricted to suitably qualified and experienced officers within those areas of the transfer schemes where there is a mismatch. Where there is more than one eligible candidate all should be interviewed.

11.4. However to avoid uncertainty within large groups of staff and to assist the process of implementation the commission advises that staff whose salary scale maximum is NJC Spinal Column Point 30 or below (£17,127 p.a.) should be matched to the new structure on their existing salary scale automatically. The new councils will thereafter refine their structure in due course through their own consultative and negotiating procedures. Any vacancies at this level will be dealt with as described in paragraph 12 below.

11.5. To facilitate the overall matching and selection process councils may wish to arrange for staff to fill in personal profile forms to detail their skills, knowledge and experience. Where it would be helpful to the process of matching, these forms may be used for staff below the level for which there may be restricted competition, i.e. salary level on or below £17,127.

Staff Who Are Not Suitably Qualified and Experienced

12. If at a particular level a member of staff is not suitably qualified or experienced to be considered for any post at that level, the new council should consider redeployment and failing this offer retraining.

Staffing Shortfalls

13. Where the mismatch is identified as a staffing shortfall in that the posts to be filled in the new structure are greater than the number of staff transferring, i.e. all transferring staff can be "matched in" to posts in the new structure, this should be dealt with in consultation with the existing authorities to ensure that there are no staffing surpluses elsewhere from which staff could be redeployed. Once an authority has carried out these checks and is satisfied that there are no suitable candidates the posts should be advertised initially among employees within the Regional boundary.

Skill Shortages

Where the mismatch is identified as a specialist post in the new structure for which there are no suitably qualified and experienced officers listed in the transfer schemes the procedure for filling the post will be as in paragraph 13 above even if there is no overall staffing shortfall. However where this leads to a staffing surplus the new authority will require to deal with this in terms of paragraph 10 above.

Trade Union Consultation

14. Councils should consult with the local trade unions on the detailed implementation of this advice. This consultative process should involve the new council in supplying information on its new structures and details of how it intends to deal with issues such as employees who are appointed or matched in to posts at a lower salary.

DRAFT 14/7/95

Further Advice

15. The Commission sees this advice as being a framework for local decisions and is happy to give further advice locally.

Yours sincerely,

R G E Peggie