

8 September 1995

Your Ref:

To:

Our Ref: P/11/7-LD/EAH

Named Chief Executives
New Councils

Dear Chief Executive

LOCAL GOVERNMENT REORGANISATION - TRANSITIONAL ARRANGEMENTS

In March this year a six point plan on transitional arrangements during local government reorganisation was agreed by the Joint COSLA/Trade Union Forum (copy attached). It was issued to new councils on 12 June with a request that it be submitted for approval to an early meeting of the council. A reminder was sent on 20 July.

We recognised at the time of issue that the plan was vital in maintaining staff morale and allowing services to be transferred to the new authorities with minimal disruption. Given that transfer schemes require to be agreed between authorities in the near future there is concern that not all new councils have responded intimating their adoption of the six principles.

We appreciate that there are many competing priorities to be addressed by the councils at this time but believe that endorsement of the agreement is vital to ensure well motivated staff working to the best of their abilities to maintain the efficient delivery of services and thus achieve a seamless transition between authorities.

An early response of your authority's position on this issue would therefore be appreciated.

Yours sincerely

CLLR ROSEMARY McKENNA (President)
CLLR PAT WATTERS (Convener, Joint COSLA/Trade Union Forum)

WHEN CALLING PLEASE ASK FOR: Lynne Dickson

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JOINT COSLA/ TRADE UNION FORUM

LOCAL GOVERNMENT REORGANISATION

TRANSITIONAL ARRANGEMENTS

TRANSFER OF EMPLOYEES

The Joint Cosla/ Trade Union Forum believes that in order to ensure the smooth transition to the new local government structure in April 1996 it is vital that there is maximum cooperation and communication between management, the trades unions and employees at all stages in the process.

The Forum acknowledges that in many, if not all, authorities, mechanisms have already been put in place to achieve this, however as the transfer process begins to accelerate it is seen as appropriate to jointly agree certain guiding principles on employment issues which will assist the transfer process and which authorities, therefore, are exhorted to adopt.

Clause 2.2 of the Local Government etc. (Scotland) Act 1994 specifies that the council for each local government area shall on or after 1 April 1996 have **all the functions** exercised immediately before that date in relation to their area by any existing regional, islands or district council.

The Forum believes, therefore, that when all existing functions transfer on 1 April 1996, the continuation of efficient and effective service delivery will be heavily dependent upon the need to maintain a well trained and highly motivated workforce, at its optimum level.

To this end the Forum is of the view that if levels of service provision are to be maintained it will be necessary to ensure that the employment levels which exist as at 31 March 1996 are likewise transferred on 1 April 1996.

To achieve this, the Forum recommends that all authorities (both existing and incoming) should adopt the broad principles that:-

(1) all employees will transfer to a new authority/ organisation except those:-

- (a) who apply for, and are appointed to, a new position prior to 1 April 1996;**
- (b) whose contracts of employment are due to terminate before 1 April 1996; or**
- (c) who opt for, and are granted, early retirement/ voluntary redundancy on or before 31 March, 1996.**

- (2) employees should be allocated to a new authority/ organisation based on current workload in accordance with the guidance issued by the Staff Commission in Circular 1/95;
- (3) transfer schemes should be drawn up and agreed on the basis of fairness and equity and having regard to existing service delivery;
- (4) where possible and appropriate, employee preference should be taken into account where this will assist the transfer process;
- (5) employees should be notified as quickly as possible of their provisional destination;
- (6) appropriate appeals mechanisms should be agreed at both local and national level as a matter of priority*.

*The Joint Forum intends to issue more detailed advice on this issue in the near future.

By adopting these principles the Forum believes that this would provide a major boost to the morale of employees and, as far as is possible in any change process, would allow existing levels of service provision to transfer at the appropriate time with the minimum of disruption to the public it serves.

Existing authorities will be in the process of compiling transfer lists in accordance with the advice and guidance issued by the Staff Commission. The Forum believes that the recommendations above are consistent with that advice/ guidance and are consistent with the general "good employer" philosophy to which the Joint Forum subscribes.

It is recognised that the initial identification of a new authority/ organisation for each individual is the first stage in the transfer process. This will ensure that, in accordance with Clause 9 of the Act, individuals' terms and conditions of service will be protected at the point of transfer.

The process of matching individuals to specific posts can only commence once the new authorities/ organisations have determined their new organisational structures. It will be for the Staff Commission to issue advice/ guidance to the new authorities on how that exercise should be conducted in order to ensure equity of treatment to all employees. Both sides of the Forum, however, will be making representations to the Staff Commission on this issue and will supplement any advice subsequently issued by the Staff Commission if it considers that to be appropriate.

The Forum fully understands that this is an extremely uncertain time for employees but it is of the opinion that by asking authorities to adopt these principles it is hoped that some of the fears which employees have at the present time may be allayed.

TRAINING AND DEVELOPMENT

The Forum acknowledges that in addition to the transfer process the creation of the new local government structure in itself will also raise anxiety amongst employees, many of whom in transferring to a new authority/ organisation will be asked to undertake new duties and responsibilities and will require to learn new skills and techniques as a result. To assist employees in adapting to the new situation the Forum would exhort all existing authorities to continue their commitment to employee development and training and, in the case of each new authority/ organisation, not only to honour existing training commitments but to build upon the current training provisions in order to maximise the potential of its most valuable asset.

COMPENSATION ARRANGEMENTS

As indicated above the Forum supports the view that in principle all employees should transfer to the new authorities/ organisations. Equally the Forum recognises that in an exercise of this complexity and magnitude it has been necessary to make provisions for compensation for loss of office. As many authorities have already argued, both sides of the Forum are of the view that any Regulations brought into effect to cover compensation for loss of office should be applied fairly and equitably to all employees and as a consequence should be mandatory.

The Regulations as they stand at present still allow some form of discretion. **The Forum believes this to be iniquitous and, therefore, recommends to authorities that they exercise the maximum discretion allowed for in the Regulations, applied in a way which is in the best interests of the employee(s) concerned.**

MONITORING

The Forum will continue to monitor the transition process and will issue further advice/ guidance to authorities as the need arises.