



Leicester
City Council

CABINET

21 June 2004

REVIEW OF STAFFING REVIEWS

Report of the Service Director (Human Resources & Equalities)

1. PURPOSE OF REPORT

- 1.1 This report aims to inform Cabinet of member's current roles and responsibilities under the Council protocol for Organisational and Staffing Change and evaluate the lessons learnt from recent staffing review and present Cabinet with initial options for improvement as part of a planned review of the Protocol in the forthcoming months.

2. Recommendations

- 2.1 Cabinet to note the report and provide an initial steer on issues they wish to be included within the review of the protocol.

3. Background

- 3.1 Cabinet, at their meeting of May 17th 2004, requested that, in the light of recent experience, in particular a recent Employees Consultative Forum (ECF), a report on options for protocols for future Staffing Reviews be brought forward for consideration.
- 3.2 This report aims to present an initial outline of some of the issues. Cabinet should note that a review of the Council's Protocol for Organising Staffing Change will be carried out later this year. Initial views expressed by members will be fed into the review process with a further report before final decision.

4. Report

- 4.1 The Council's protocol for Organisational and Staffing Change aims to provide a framework within which reviews can be managed. It provides guidance and standards in areas such as consultation, protection, transfer of employees to new posts and appeals. (A copy is attached at Appendix R).
- 4.2 The protocol is essentially a management document. However, it provides for the following situations in which elected members may have a role in an "Organisational Review".

- The final report on the review, prepared by the Lead Review Officer. This would normally be approved by the Corporate or Service Director, **“unless radical departmental structure changes are proposed, when a report will go to Cabinet.”**
- The final stage of Appeal against the conduct of a review which is heard by the relevant Corporate or Service Director **“who should consult with the Cabinet Lead and FREEOPs Scrutiny Triumvirate”.**

4.3 Radical departmental structure changes are typically interpreted as situations where Corporate or Service Director level posts are subject to review. Where posts below this level are involved, reviews will normally not involve Cabinet. This is consistent with elected members duties and responsibilities for recruitment, which are restricted to 1st and 2nd tier officers only. It is also consistent with the Council's constitution and delegated powers provision.

However, it is acknowledged that a clarification of language and terminology may help to ensure a better understanding.

4.4 Appeals against Organisational Review are normally heard by a Joint Officer and Trade Union representative. To date two appeals have been heard at this level and no appeals have reached the final stage as described above. Thus members have had no formal involvement in Appeals heard as part of the Protocol.

5. **Outside of the Protocol – Member Involvement**

5.1 As mentioned, the “Protocol” is primarily a management tool, agreed with the Council's Joint Trade Unions as a way of helping to facilitate often difficult processes of change. As such, elected members have little involvement in practice within the actual review. This is in keeping with the principle that such change should be mainly managed within the Council's officer management arrangements.

5.2 However, elected members are more likely to become involved in matters arising before an Organisational Review is declared or possibly after an Organisational Review has been conducted. For example:

Before an Organisational Review

A review is often the result of a Council Policy or Strategy Change or development. Members of Cabinet or Scrutiny Committees may get involved in the high level policy or strategy debate where decisions may result in the need for an Organisational Review. The review is “in effect” the process of “implementing” the necessary staffing changes to help achieve the agreed policy shift.

After an Organisational Review

The fallout from reviews can include displaced staff, new service delivery configuration, realignment of resources etc. members can become involved in a number of different ways.

For example, the Members Early Retirement Panel may be asked for approval for payments to displaced staff who are entitled to early retirement, Cabinet and Scrutiny may be required to review changes in service delivery.

The Employee Consultative Forum also provides an opportunity for Trade Unions to be consulted by elected members on matters that may arise both before and after a Review.

Issues for Members

Recent events with some reviews have provided a test or challenge to the situation described above. For example, the attempts to use Scrutiny Committees to influence Cabinet over the issues arising from the management of the Lifelong Learning and Regeneration and Culture Reviews. The attempts by the Trade Unions to use the Employee Consultative Forum to bring matters arising from the management of the Organisational Review in Lifelong Learning Review to the attention of elected members.

It should be helpful if Cabinet could therefore give an initial steer on issues they may wish to have included within the review of the Protocol, particularly in the light of issues that can arise in practice at stage before, during and after the actual review itself.

- 5.3 An initial steer from members is welcomed to enable more detailed proposals/options (which will be) presented at a later date.

Author
Ian McBride
Service Director – HR & Equalities
0116 2526003