

Education and Skills Authority

Recruitment, Redeployment and Voluntary Severance (RRVS) Strategy for the Creation of ESA Senior Management (Director and Assistant Director)

1 Background

- 1.1 The establishment of the Education and Skills Authority (ESA) will involve the creation of a modern, streamlined, fit-for-purpose organisation that will deliver improved educational opportunities and outcomes and promote equality.
- 1.2 The organisational structure will reflect the new service delivery models for ESA which are being developed in consultation with staff and trade unions in the affected organisations. The service delivery models and new organisational design will be implemented in accordance with the change management strategy developed by the ESA Implementation Team (ESAIT) and following detailed consultation with trade union side.
- 1.3 This change management strategy is based around a model of Transfer, Transform, Innovate (TTI) under which the degree and pace of change varies across services according to the potential implementation risk and the service improvements to be achieved.
- 1.4 ESA will not simply be an amalgam of the legacy organisations but will be organised to have a prime focus on increasing opportunities and promoting equality to improve education outcomes, integrating the delivery of children's services, developing area planning, streamlining the procurement and delivery of the school and youth estate and releasing resources for redirection to the frontline. Creating the new organisation will therefore involve:
 - development and population of new organisational structures;
 - implementation of new service delivery models with redeployment of staff where necessary, in line with PSC guidance and Executive policy on the location of public sector jobs;

- up-skilling and re-skilling of staff to support new ways of delivering services;
- transferring staff across to functions in ESA.

1.5 The vast majority of staff in RPA affected education sector organisations will transfer to ESA and be confirmed in post. For these staff, the transfer to ESA will not significantly affect the job they do or the way they do it.

1.6 School based staff (teaching and support staff in schools) and those involved in delivering services directly to schools and youth work settings eg bus drivers and escorts, school catering assistants, school cleaners, youth club personnel etc will continue to perform their current jobs in their current locations.

1.7 Staff in management and administrative functions within non-school based services are likely to be affected by new service delivery models and new organisational structures. The extent to which staff are affected will vary but those at senior and middle management levels are likely to be affected most.

1.8 Reorganisation in these areas will be carried out in a managed way over the first 2-3 years of ESA. It is anticipated that the required streamlining can be achieved through a combination of posts left vacant under vacancy control, natural wastage and voluntary severance.

2 Purpose of the RRVS Strategy for Senior Management in ESA

2.1 Senior management in ESA will comprise the Chief Executive, Directors and Assistant Directors. The Chief Executive (Designate), Gavin Boyd, was appointed in February 2007. Consultation on the Director structure ends on 6 March 2009 and work is proceeding on Assistant Director structures.

2.2 The purpose of this strategy is to set out the arrangements for recruitment, redeployment and voluntary severance to ensure the successful population of the new senior management structure in ESA and create a streamlined organisation, in a manner that makes best use of the available resources.

2.3 The arrangements for populating the new structures below senior management level will be developed and brought forward in due course, after consultation with the HR managers of the current organisations and TUS.

3 Recruitment to Senior Management Posts in ESA

3.1 In a number of areas, and particularly at the most senior levels of ESA, new posts will be created and staff recruited through competition, in consultation with TUS and in accordance with PSC guidelines.

3.2 The success of ESA will be determined by the quality of its leadership and staff so it is critical that the processes and procedures for recruitment attract and lead to the appointment of candidates with the skills, qualities and aptitudes needed to successfully lead and develop the organisation.

3.3 All senior staff will be recruited against clear competencies. Staff at Director and Assistant Director level will be recruited through a rigorous process including an assessment centre approach to test the required competencies as set out in the competency framework which has been developed for senior ESA staff. Some training sessions on competence based recruitment have already been provided and further training will be provided to potential applicants in identified relevant pools in advance of recruitment to Director and Assistant Director posts. Similar training will be provided to staff at other grades where there is a competition for posts.

3.4 As ESA is a new organisation being built through the transfer of functions and staff from existing organisations, it will be important to appoint senior staff as far as possible in advance of Day 1 in order to plan, prepare for and manage the change process. This is necessary to allow sufficient time to prepare for a successful transition and sends a very powerful signal to staff that the new leadership team is in place and that change is happening. It can be expected to have a major galvanising affect on staff and to generate significant and necessary momentum.

4 Redeployment and Voluntary Severance

4.1 As part of the RRVS Strategy, agreed arrangements for voluntary severance will be provided for those senior staff at risk of redundancy (“at risk” staff) who do not wish to be a part of ESA, as far as is consistent with the need to retain key skills and value for money and affordability considerations. TUS will be consulted on the determination of the “at risk” group. The aim is to be consistent with the PSC guiding principles and Executive policy.

4.2 The RRVS Strategy also sets out the arrangements for redeployment for those senior staff in legacy organisations who wish to be a part of ESA but are unsuccessful in competitions for Director and Assistant Director posts.

5 Objectives for the Recruitment, Redeployment and Voluntary Severance Strategy for ESA Senior Management

5.1 Overarching Objectives

- To appoint high calibre senior management staff with the strong leadership and other skills necessary to lead and develop ESA as a world leading organisation.
- To appoint senior management staff using rigorous, objective and fair recruitment processes which assess candidates against a clear competence framework.
- To facilitate a phased and orderly transition to the new structures by way of voluntary severance as part of a planned business delivery strategy.
- To achieve a maximum degree of trade union and staff support, acceptance and agreement.
- To comply with PSC principles agreed by the Executive and relevant statutory, legal and equality duties.
- To ensure VFM and make best use of the resources available.

5.2 Specific Objectives

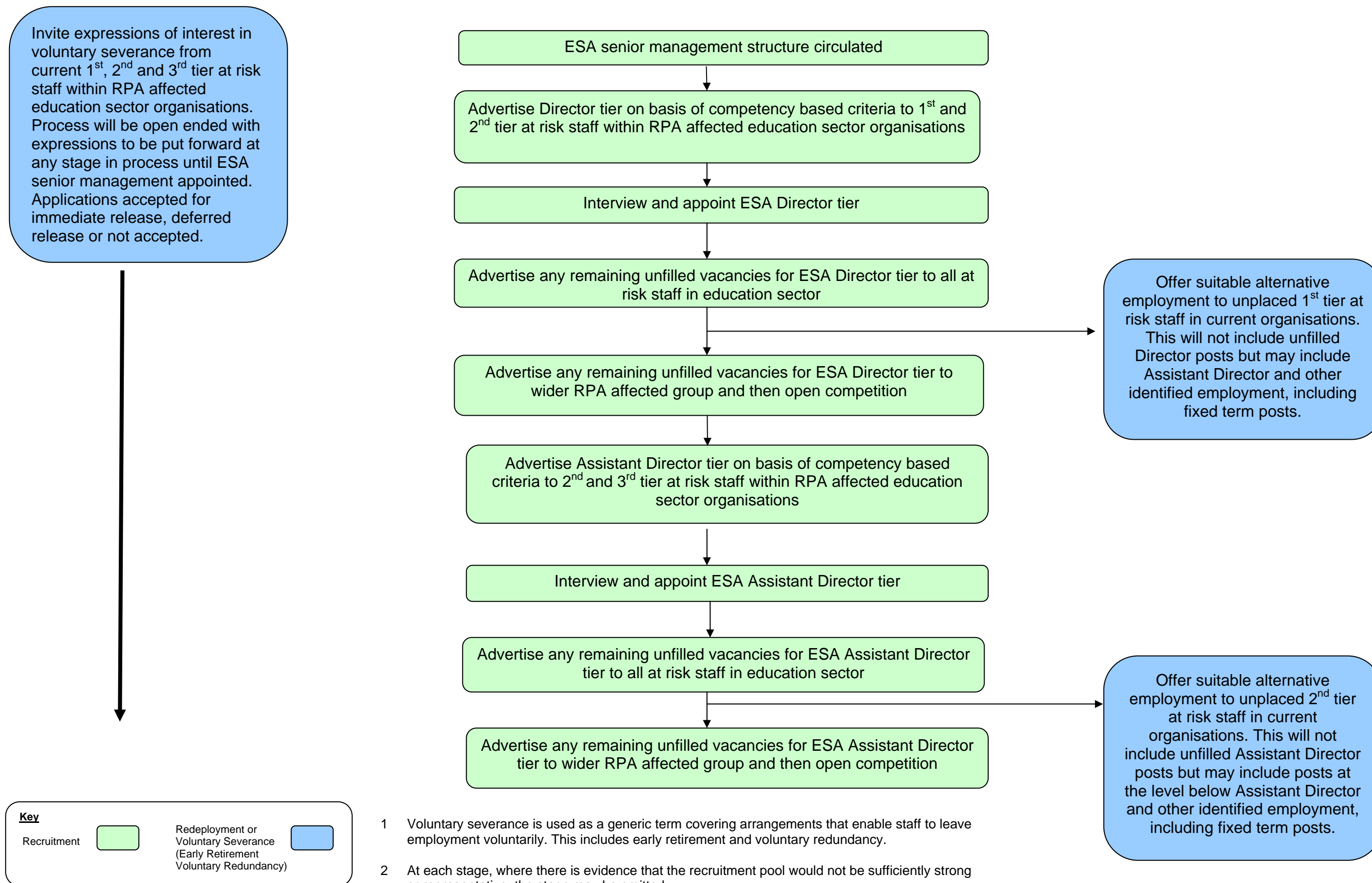
- To have all Directors appointed and in post as far as possible in advance of Day 1 and at least 3 months beforehand.
- To have all Assistant Directors appointed and in post from Day 1 (and earlier if possible).
- To have agreed voluntary severance with those current 1st tier and 2nd tier officers who do not wish to transfer to ESA, by Day 1 or earlier where practicable and consistent with business needs.
- To have agreed redeployment by Day 1 for current 1st tier and 2nd tier officers who are unsuccessful in securing Director or Assistant Director posts and who wish to transfer to ESA.
- To have agreed voluntary severance with those 3rd tier officers who do not wish to transfer to ESA, by Day 1 or earlier where practicable and consistent with business needs.

6 Implementing the Strategy

6.1 Restructuring may take several years to complete and recruitment, redeployment and voluntary severance will, in general, have to be conducted on a chronologically phased basis that tracks the sequencing of the new organisational structure. The flow chart at Appendix 1 sets out the steps involved in recruiting to Director and Assistant Director levels and the parallel action that can be taken on redeployment and voluntary severance.

6.2 The relevant recruitment pool for Director posts will comprise 1st and 2nd tier staff or equivalent in current organisations and for Assistant Director posts will comprise 1st, 2nd and 3rd tier staff or equivalent in current organisations (see Appendix 2). Definitions of 1st, 2nd and 3rd tier staff and equivalents have been drawn up in consultation with the HR managers of the legacy organisations and TUS and are based on the [substantive] post of the postholder. The definitions of 1st, 2nd, and 3rd tier are set out at Appendix 4. The detailed rationale for the recruitment pools, drawing on PSC guidance, is set out in the “Notes to the Flow Chart for the RRVs Strategy” (Appendix 3).

Recruitment, Redeployment and Voluntary Severance¹ Strategy for the Education and Skills Authority Senior Management (Director and Assistant Director)²



Invite expressions of interest in voluntary severance from current 1st, 2nd and 3rd tier at risk staff within RPA affected education sector organisations. Process will be open ended with expressions to be put forward at any stage in process until ESA senior management appointed. Applications accepted for immediate release, deferred release or not accepted.

Key

Recruitment Redeployment or Voluntary Severance (Early Retirement Voluntary Redundancy)

Eligible Pools for Recruitment to Senior Posts in ESA

ESA Posts	Eligible Pool in Education Sector
Chief Executive	N/A
Director	1 st tier or equivalent 2 nd tier or equivalent
Assistant Director	1 st tier or equivalent 2 nd tier or equivalent 3 rd tier or equivalent

Recruitment, Redeployment and Voluntary Severance (RRVS) Strategy for Senior Management Posts in the Education and Skills Authority

Notes to Flow Chart

- 1 These notes should be read in conjunction with the flow chart setting out the various steps in the RRVS Strategy for ESA senior management.

ESA Senior Management

- 2 “ESA senior management” as used in this document comprises Chief Executive, Directors and Assistant Directors (ie 1st, 2nd and 3rd tier in ESA). As the Chief Executive (Designate) post has already been filled, these notes relate to the RRVS processes for Directors and Assistant Directors in ESA.

Filling Senior Management Posts in ESA

- 3 The Director posts in ESA will be substantially different in a number of aspects from those posts in the current organisations at 1st tier with broadly equivalent salaries. These aspects may include some or all of the following:
 - region-wide coverage of the post;
 - the wider range of responsibilities (presently covered by a number of different organisations);
 - new, or substantially different, responsibilities;
 - greater complexity of the role;
 - greater scale of responsibilities (eg number of staff, size of budget etc).

Consequently ESA Director posts will be filled on the basis of competition through a process of assessment against the agreed ESA senior management competences and any criteria specific to particular posts.

- 4 Any 1st tier officers from existing organisations who have been unsuccessful, or chosen not to apply, for an ESA Director post and do not wish to avail of voluntary severance, will be offered suitable alternative employment with pay protection. This will not include unfilled Director posts. In determining suitable alternative employment, consideration will be given to the placement of a current 1st tier officer in an Assistant Director post provided they meet the requirements of the post. Arrangements for suitable alternative employment will be by the mutual agreement of both parties with an appropriate appeals mechanism. If a post is deemed to be suitable for more than one person it may be necessary to select an individual by means of competition.
- 5 The Assistant Director posts in ESA will be substantially different in a number of aspects from those posts in the current organisations at 2nd tier with broadly equivalent salaries. These aspects may include some or all of the following:

- region-wide coverage of the post;
 - the wider range of responsibilities (presently covered by a number of different organisations);
 - new, or substantially different responsibilities;
 - greater complexity of the role;
 - greater scale of responsibilities (eg number of staff, size of budget etc).
- 6 After consideration of suitable alternative employment for unplaced current 1st tier officers, all remaining ESA Assistant Director posts will therefore be filled on the basis of competition through a process of assessment against the agreed ESA senior management competences and any criteria specific to particular posts.

“At Risk Group” and Recruitment Pools

- 7 PSC guidance (PSC Guiding Principle 2) requires employers to identify those staff at a clearly identified risk of compulsory redundancy - the “at risk group”. In the education sector the broad “at risk group” relevant to ESA comprises all non-school based staff in the 5 ELBs, CCEA, Youth Council, Staff Commission and staff engaged in the frontline services of CCMS, Department of Education, NICIE and CnaG whose functions will transfer to ESA.
- 8 In filling particular posts, the draft RPA Guidance Note for PSC Principle 4 (“Filling Vacancies and New or Substantially New Posts in New Organisations being created as a result of the RPA”) sets out at paragraph 5 bullet 2 that in considering the methods available for filling a vacancy in a new or substantially new post employers must *“bear in mind that the aim of mechanisms 1-3 above are to promote employment protection within the public sector and thus should normally only be open to broadly comparable grades or higher”*. The guidance also states at paragraph 5 bullet 1 that employers must *“take account of employment law and equality considerations and, where necessary, take legal advice. These are important factors when determining the composition of the selection pool and when using restricted pools.”*
- 9 Determination of the appropriate recruitment pool for ESA senior management posts must balance the need to promote employment protection by focusing in the first instance on those in the “at risk group” in broadly comparable grades or higher, with the need to ensure that the pool is sufficiently large to include candidates with the necessary skills, experience, knowledge, qualifications etc. The decisions made will take account of equality considerations.
- 10 The agreed competence framework for ESA senior management, together with the job descriptions for the specific posts, will set out the essential and desirable criteria in terms of skills, experience, knowledge and qualifications etc being sought from the identified recruitment pool for senior management posts. Gathering expressions of interest in voluntary severance from “at risk” staff early in the process will enable fuller consideration of whether the recruitment pool is adequate and allow final determination of the appropriate recruitment pools.

- 11 A single recruitment pool will be determined from the “at risk” staff in ESA for each tier of ESA posts (rather than determining a separate pool for each individual post). For the ESA senior management posts there would therefore be 2 recruitment pools – one for Director posts and one for Assistant Director posts. If the post is not filled from the initial recruitment pool, it would then be advertised to “at risk” staff across the education sector organisations. This will act to further reduce the potential for redundancies and provide an opportunity for staff to apply who were not eligible for the initial recruitment pool but have the necessary experience and skills (eg staff who have been in an acting-up role). Any unfilled posts will then be advertised to the wider RPA affected group and then as an open competition, in line with PSC guidance. Where there is evidence that the recruitment pool would not be sufficiently strong or representative, some of these stages may be omitted. In such cases, ESAIT will consult with TUS and fully document the reasons for the decision.

Recruitment Pool for ESA Director Posts

- 12 There will be 8 Director posts in ESA (subject to final DE approval). There are currently 7 staff in “at risk” posts at 1st tier in the education sector organisations of whom a number are acting up and/or are expected to apply for voluntary severance. Clearly, this would not provide a sufficient pool of candidates for Director posts. There are approximately 25 officers in “at risk” 2nd tier or equivalent posts of whom a considerable proportion are also acting up and/or are expected to seek voluntary severance. The recruitment pool for ESA Director posts will include 1st and 2nd tier officers or equivalent in “at risk” posts in the RPA affected education organisations. This position will be reviewed after expressions of interest in voluntary severance have been received to ensure that this provides a sufficient recruitment pool. Every effort will be made to ensure that 1st and 2nd tier or equivalent officers expressing an interest in voluntary severance receive confirmation of the outcome prior to recruitment for ESA Director posts. In some cases the offer of voluntary severance may be deferred to facilitate business need.

Recruitment Pool for ESA Assistant Director Posts

- 13 For similar reasons, and depending on the outcome of expressions of interest in voluntary severance and the success of candidates at 1st and 2nd tier or equivalent in securing Director posts, and the possible re-deployment of unplaced 1st tier officers in ESA Assistant Director posts as suitable alternative employment, the recruitment pool for Assistant Director posts will be 2nd and 3rd tier or equivalent in existing organisations. There are an estimated 51 staff at 3rd tier or equivalent of whom a substantial proportion are also acting up and/or are expected to seek voluntary severance.

Definition of Tiers in Current Organisations

- 14 The definition of what constitutes 1st, 2nd and 3rd tier has been carefully considered in consultation with HR Managers of legacy organisations and TUS and definitions have been drawn up to ensure comparability, as far as possible,

across organisations in order to clearly identify “at risk” groups. The relevant definitions are set out at Appendix 4. Determination of eligibility will be based on the postholder’s grade/position in their substantive post and will include staff in an eligible grade/position in a fixed term post (it will not include acting-up positions).

Suitable Alternative Employment

- 15 Suitable alternative employment will be determined on a case by case basis in consideration of the competence framework and any specific requirements for the post and the officer’s skills, experience, knowledge and qualifications. Arrangements for suitable alternative employment will be by the mutual agreement of both parties with an appropriate appeals mechanism. If a post is deemed to be suitable for more than one person it may be necessary to select an individual by means of competition.
- 16 The offer of an alternative job will be made in writing to the employee and will include information concerning pay, status, location, working environment and hours of work.
- 17 Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay. Refusal may be unreasonable where the duties and responsibilities of the alternative employment are similar to the previous job held.
- 18 An employee who is under notice of redundancy will have the right to a trial period of 4 weeks in an alternative job where the conditions of the new contract are different from the old contract. This may be extended with the agreement of both parties to a maximum of 12 weeks without losing their rights to redundancy payments. The trial period will give the employee a chance to decide whether the new job is suitable and the employer an opportunity to assess the employee’s suitability.
- 19 Any 1st tier officers from existing organisations who have failed to secure, or chosen not to apply for, an ESA Director post and do not wish to avail of voluntary severance will be offered suitable alternative employment, where available, with pay protection. This will not include unfilled Director posts but may include an ESA Assistant Director post or other identified employment, including fixed term posts. In order to meet the needs of the organisation, offers of voluntary severance may be made on a deferred basis. ESA will exhaust all these options before any further steps in the redundancy process are taken.
- 20 A similar process will apply to 2nd tier officers for whom suitable alternative employment will not include unfilled Assistant Director posts but may include a post at the tier below ESA Assistant Director or other identified employment, including fixed term posts.
- 21 Normally, the process of recruiting to unfilled posts will continue after an offer of suitable alternative employment has been made.

Voluntary Severance

- 22 ESA will invite expressions of interest in voluntary severance from current 1st, 2nd and 3rd tier “at risk” staff in advance of the recruitment to senior management posts. Applications will be considered from staff who fulfil the eligibility criteria for the scheme and decisions to offer immediate or deferred redundancy will be based on criteria including cost, pay back period, retention of necessary skills and business needs. The opportunity to apply for voluntary severance will remain open throughout the process of appointing the senior management of ESA.

Recruitment, Re-Deployment and Voluntary Severance (RRVS) Strategy for ESA Senior Management

Definition of Tiers

The following criteria will be used to define the posts across the current education sector organisations which will be included as 1st, 2nd, 3rd tier or equivalent for the purposes of voluntary severance and the recruitment pool for senior management posts (Director and Assistant Director) in ESA. Determination of eligibility will be based on the postholder's grade/position in their substantive post and will include staff in an eligible grade/position in a fixed term post (it will not include acting-up positions). Restructuring may take several years to complete and the process of recruitment, redeployment and voluntary severance will be carried out on a phased basis.

1st tier

Meets the following criterion:

- Chief Executive of a *large RPA affected education organisation

2nd tier or equivalent

Meets the following criteria:

- Member of Senior Management Team (Top Management Team in CCEA) currently in a *large RPA affected education organisation

AND EITHER

- In a post that carries lead strategic, operational, budgetary and staffing responsibilities for a wide range of functions, or a major discrete functional area, covering a large geographical area (ELB, diocesan or larger) and reports directly to the Chief Executive

OR

- Has a current salary range with a maximum point in excess of NJC point 67**

3rd tier or equivalent

Meets **all** of the following criteria:

- In a post that reports directly to a member of Senior Management Team (Top Management Team in CCEA) on strategic, operational, budgetary and staffing issues for a major function or service

- Carries lead strategic, operational, budgetary and staffing responsibilities for a major function or service area across a wide geographical area (ELB, diocesan or larger)
- Has a current salary range with a maximum point in excess of NJC point 61***

NOTES

* Large is defined as an organisation with either a budget of over £10m or the employing authority for over 5,000 employees

** NJC point 67 = £56,353 (NJC salaries 1 April 2008)

*** NJC point 61 = £51,202 (NJC salaries 1 April 2008)