

**Agenda Item: 9****REPORT OF THE SERVICE DIRECTOR HR AND CUSTOMER SERVICE.****VACANCY CONTROL PROCESS****Purpose of the Report**

1. To update Elected Members on proposals for a set of revised and strengthened Vacancy Control measures for implementation across the Council.

**Information and Advice****Background**

2. Nottinghamshire County Council implemented a "Vacancy Protocol" in July 2009. This process focuses on not filling vacant posts, or only doing so on a temporary, fixed term, basis, wherever possible.
3. Whilst this vacancy management process covered all permanent and temporary posts across the Council, a number of designated post exceptions were agreed, predominantly in key front line service areas.
4. This process was introduced as one of a set of measures taken by the Council (including redeployment and seeking expressions of interest in voluntary redundancy), intended to support the Council in minimising and mitigating against the impact of post deletions arising from the Council's response to its increasing financial challenges.
5. The existing Vacancy Protocol process was last updated in 2011 when it was extended to temporary vacancies of less than 12 weeks in response to continued budget pressures.
6. The overall aims of the process are to reduce the risk of compulsory redundancy for existing employees and to reduce the costs associated with redundancy whilst ensuring effective workforce planning to support on-going service delivery.

**Current Position**

7. In light of the known budgetary savings which the Council needs to find over the next three years, the Corporate Leadership Team, at its meetings on 14<sup>th</sup> and 21<sup>st</sup> May 2013, reviewed existing process and endorsed a revised vacancy management process.
8. This revised process has been strengthened to ensure greater robustness and consistency of the management consideration given to the filling of vacant posts and is intended to ensure that future post reductions can be proactively planned and achieved in a fair, legally

compliant, cost effective manner which manages and reduces the need for further redundancies.

9. The recognised trade unions have been informed of these proposals through the Central Joint Consultative and Negotiating Panel at its meeting on 22<sup>nd</sup> May 2013 and the Joint Redundancy and Redeployment Working Group on 30<sup>th</sup> May 2013.

### **Proposed Process**

10. In order to underline the reinforcement of the process, it is proposed that the revised measures are renamed the "Vacancy Control Process".
11. The proposed Vacancy Control process focuses on a set of measures set out in the **appendix** to this report.
12. The overall impact of the above measures is that unfilled posts will remain vacant until the Vacancy Control Process is removed; a successful business case for filling the post has been agreed by the Corporate Service Director or the post is disestablished as part of the budget savings.
13. The HR team will be responsible for ensuring the appropriate and consistent application of the process, maintaining records and monitoring outcomes. This will include:
  - Maintaining a record of all posts deleted, or to be deleted, and monitoring these to ensure that the necessary actions are taken.
  - Receiving copies of all business cases set out on Vacancy Control Decision Records, prior to recruitment and monitoring the application of the Vacancy Control Process across the organisation.
  - Reporting progress to Elected Members, Corporate Leadership Team and trades union colleagues quarterly, or more frequently if issues arise.
  - Producing more detailed guidance for managers on the application of the process.

### **Other Options Considered**

14. The potential to remove any form of vacancy control process and leave the management of this entirely at the discretion of individual managers was considered. It was determined that some form of consistent corporate control is necessary to effectively manage and minimise the impact of increased financial pressures on staffing levels and the potential for compulsory redundancies.
15. Consideration was also given to retaining the existing Vacancy Protocol. However experience to date has evidenced a need for tighter control over vacancy management across the Council which will also provide an opportunity to refresh and re-launch the underlying principles.

## **Reason for Recommendation**

16. To ensure that the Council is able to plan for and achieve necessary future staffing reductions with the minimum of service disruption and risk whilst also minimising the number and cost of redundancies arising and the proportion of these that are compulsory; ensuring legal compliance with regard to the employers duty towards staff at risk of redundancy.

## **Statutory and Policy Implications**

17. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty and human resources and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Human Resources Implications**

The human resources implications are implicit in the body of the report.

## **Equalities implications**

The proposals within this report will provide a structure and level of scrutiny to ensure consistency and fairness of process application across the whole Authority.

## **Financial Implications**

The proposals within this report will help to ensure that the Council can respond to the financial challenges facing it over the coming years whilst containing the cost impact of redundancies as far as possible.

## **RECOMMENDATION**

It is recommended that Members note the implementation of the revised Vacancy Control Process set out in this report with immediate effect.

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## **Constitutional Comments (KK 22/05/13)**

18. The proposal in this report is within the remit of the Personnel Committee.

### **Financial Comments (SEM 22/05/13)**

19. The County Council is facing unprecedented financial challenges and has implemented a transformation programme since 2011 to deliver efficiencies and savings. Based on current assumptions, significant cumulative savings will need to be identified in the next three years.

Although a balanced budget has been delivered for 2013/14, a series of in-year measures such as strengthened Vacancy Control are being introduced to ensure the Council is able to continue to deliver a robust, sustainable and balanced budget.

### **Background Papers and Published Documents**

None

### **Electoral Division(s) and Member(s) Affected**

All

## Appendix: Vacancy Control Process

- Vacancy Protocol to be renamed Vacancy Control Process.
- The first task of any manager when a vacancy arises should be to determine if the post can be deleted, either now or in the future, to contribute to budgetary savings. A record of posts deleted, or to be deleted, will be maintained by the HR team and monitored to ensure that the necessary actions are taken.
- If the post cannot be deleted, as a default position, it is proposed that all posts, including those previously exempted and those recently transferred from Public Health, will not be exempt from this process.
- All posts will be recruited to on a temporary fixed term basis. The length of the fixed term will be linked to the timescales of the relevant service review process and agreed with the Corporate or Service Director. No post will be advertised permanently unless on an exceptional basis with a clearly signed off Vacancy Control Decision Record agreed by the Corporate Director or Service Director.
- All posts will require a Vacancy Control Decision Record to be signed off by the Corporate Director or Service Director to approve appointment to the post on a temporary basis and to confirm how the post will be advertised. This task will not be delegated below the Service Director tier. Except in cases of emergency, the only exceptions to the requirement to complete a decision record to fill a post temporarily will be:
  - a) Front line qualified child protection social work and child protection social work team managers.
  - b) Children's residential care, including Clayfields House – managers; assistant managers, deputy managers; team, unit and assistant unit leaders; residential and care workers; awake night care posts.
  - c) Regulated services in ASCH where there are statutory requirements re staffing levels
  - d) School based catering and cleaning staff (including dining room assistants, cooks, cook supervisors/unit leaders, cleaners, cleaning supervisors)

Where it is intended to recruit to the above posts permanently or directly via external advert then a Vacancy Control Decision Record will still be required.

- All fixed term posts will initially be advertised internally before being released for external advert. Unless the decision record gives agreement to advertise internally and externally simultaneously. Internally advertised posts will be open to existing permanent NCC employees and temporary NCC employees with over 12 months continuous service only.
- The Vacancy Control Decision Record will also be required for permission to engage a temporary agency worker, (from the preferred supplier list), or to recruit on an internal or external temporary secondment basis.

- For newly established posts, a copy of the Committee report can be attached to the Vacancy Control Decision Record form as a prima facie case to fill the post. The Corporate or Service Director will then determine on what basis the post(s) can be advertised and filled.
- Prior to internal advertisement, posts will be considered for redeployment of displaced staff or other staff requiring redeployment. Normal redeployment processes operated by the County Council will apply. If a redeployee matches against a fixed term post, HR will contact the relevant manager to ascertain if the post can be released on a permanent basis for redeployment purposes only.
- Extensions of any fixed term appointment/secondment or agency worker engagement should require a re-submission of the Vacancy Control Decision Record for Service Director approval. This should include a review of the current workforce situation alongside the original business case to ensure the factors are still relevant.
- Posts will remain vacant until the Vacancy Control Process is removed; a successful business case for filling the post has been agreed by the Corporate Service Director or the post is disestablished as part of the budget savings.
- The HR service will receive copies of all business cases prior to recruitment and monitor the application of the Vacancy Control Process across the organisation and report to elected members, CLT and trades union colleagues quarterly or more frequently if issues arise.

**May 2013**