

**From the office of the
Minister of the Environment**



Department of the
Environment

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All Council Mayors

All Chairs of Voluntary Transition Committees

Acting Chief Executives of Councils

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Your reference:

Our reference:

14 June 2013

Dear Sir/Madam

LOCAL GOVERNMENT REFORM — FILLING CHIEF EXECUTIVE POSTS IN NEW COUNCILS

I am writing to advise you of my intention to use open competition to select chief executives for the 11 new councils.

Within the next few weeks, I will place the current voluntary transition committees onto a statutory footing. The regulations to do this are currently being finalised. The regulations will require each statutory transition committee to appoint a chief executive designate for the corresponding new council and will stipulate that selection must be through open competition. These chief executives will transfer across to the new councils, when they are elected in 2014.

I consider that leadership at cluster level is critically important to the next phase of local government reform. Each new chief executive will focus on preparing for the future of his/her new council, will drive convergence across the cluster and will lead the change management process. Their loyalties will lie firmly with the successor council, rather than any of its predecessors.

These posts are complex and challenging and key to the successful implementation of the reform process. I believe that it is imperative that we attract the highest calibre candidates and get absolutely the best people to fill them. This will require recruiting from as wide a pool as possible and, for this reason, I believe that the jobs should be publicly advertised and that open competition should be used to select the successful candidates.

I have carefully considered the Guiding Principles produced by the Public Service Commission and endorsed by the previous Executive. In particular, I have given much thought to the application of Guiding Principle 4:

“ 5. After the establishment of a new organisation created as a result of RPA, the Public Service Commission recommends that, where an organisation is considering taking action which may increase the risk of redundancy for staff, it should seek to fill vacancies and new or substantially new posts in the following order of consideration:

- By the use of a mechanism or competition internal to the new organisation with the objective of dealing in the first instance with staff who have been identified as being at a clearly identified risk of compulsory redundancy.
- By targeting “at risk” staff in that sector as a whole.
- By targeting “at risk” staff across all the sectors in the RPA Affected Group.
- By way of open competition.

A “clearing house” mechanism may be used to enable employers to collaborate in filling vacancies and new or substantially new posts across the sectors thereby ensuring that “at risk” staff have an opportunity to apply for positions/vacancies as might arise.

6. The Commission recognises that there will be instances when it will be necessary to fill a post in a new organisation which does not yet exist in law. In such instances, the Commission recommends that the Executive accepts that the principles of fairness, equality and consistency should apply. The Commission further recommends that the authority responsible for filling such posts considers the use of (ii) and (iii) above in advance of the use of (iv) above...”

In accepting this principle, the Executive chose to “emphasise that the above serves to illustrate the methods available to employers when filling vacancies or new posts and the order in which they must be considered by employers”. The phrasing of this Guiding Principle makes it clear that the PSC accepted and recognised open competition as an appropriate way to fill posts in new organisations arising from RPA. The caveat is that such a decision should be justified and recorded which, is a standard employment practice.

I believe that the new chief executive posts are fundamentally different to the current chief executive posts. Not only will all councils cover a geographically larger area and serve a bigger population base, they will also deliver significant new functions. The new chief executives will preside over councils with significant new powers and duties, including spatial planning, regeneration, community planning and the general power of competence. Even Belfast, though not joining with another council, will see its boundaries grow and its functions increase. Councils will also operate within a

new governance framework. The job specification should clearly reflect this growth and the change (creating and building a new organisation), transition (successfully managing the change from old to new) and transformation (moving on through to stability and excellence) challenges inherent in the job.

Given that these new jobs are at a more senior level and are likely to attract higher salaries, I do not accept that these new posts would constitute suitable alternative employment for any current Chief Executive who is at risk of compulsory redundancy. Therefore, I consider that steps i) and ii) are not appropriate. Any current chief executive who chooses not to apply for the new posts or who is unsuccessful will continue in his/her existing post until 2015. At that stage, he/she may choose to take voluntary severance or would have the opportunity to seek appointment to other suitable senior local government positions under the internal (restricted pool) procedures. If it is impossible to identify a suitable alternative, they would be made compulsorily redundant.

In respect of iii), I have confirmed with the PSC that the "RPA Affected Group" no longer includes Health or Libraries staff, but that the education sector remains as an affected group. Again, I do not consider that the new chief executive posts would constitute suitable alternative employment for any of these affected education sector staff. Of course, suitably qualified and experienced staff from those sectors and, indeed, other sectors and jurisdictions will be free to apply for the new chief executive posts.

For these reasons, I believe that it is not only justified to use iv) open competition, but that it is clearly and demonstrably in the public interest. Without a doubt, this is the fairest and most effective way to fill the new chief executive posts.

ALEX ATTWOOD MLA
Minister of the Environment