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Public Health Reform Programme Board – 2nd May 2019

Public Health Reform Programme HR for Public Health Scotland

Senior Management Posts – Public Health Scotland



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Public Health Reform - HR Steering Group Senior Management Posts – Public Health Scotland

Purpose

The purpose of this paper is to set out for the Public Health Reform Programme Board the options which were considered in respect of the arrangements for the filling of senior management posts in Public Health Scotland and some narrative around the recommendation to discount one of the options. To also include some further narrative around the pool of posts for matching.

Recommendations

The HR Steering Group considered, discussed and agreed the following:-

1. That the option to fill the senior posts which are immediate reports into the Chief Executive post through open recruitment should be discounted.
2. That the option to fill the senior posts which are immediate reports into the Chief Executive should be undertaken using the matching process outlined in this report, in the first instance. If a post cannot be filled through matching then it should proceed to open recruitment.

The Public Health Reform Programme Board, at its meeting on 28 March 2019, agreed to proceed with the option to fill posts using the matching process as described below. However, the HR Steering Group were asked to provide narrative around the decision to discount the option to proceed to open recruitment. This is set out below and the Public Health Programme Board are asked to note and agree this narrative.

The Public Health Reform Programme Board are asked to note that the pool of posts for matching is not definitive and will be refined and agreed over the coming months.

Background

The Programme Board for Public Health Reform have agreed the day one senior management structure for Public Health Scotland which is the Chief Executive post and immediate reports into the Chief Executive post.

The arrangements for filling the immediate reports into the Chief Executive posts requires to be fair, consistent and transparent as well as based on existing policy and process within the two organisations coming together to form Public Health Scotland. In this respect two options were considered by the HR Steering Group.

The first option considered by the HR Steering which was to proceed to open recruitment for all the immediate reports into the Chief Executive post in Public Health Scotland was discounted. The HR Steering Group considered this to be a transparent way of filling the posts and particularly very senior posts, however it was agreed that to proceed with this option in the first instance did not meet with the spirit and intent of the Staff Governance Standard. It is a legal requirement for all NHS Scotland Boards to comply with the Staff Governance Standard which provides for the fair and consistent treatment of all staff. It is also a requirement that all organisations, including NHS Scotland, take all reasonable steps to avoid redundancy where ever possible. The HR Steering Group agreed that to

move to open recruitment, in the first instance, without taking into consideration that some posts may well be very similar to those which exist in both the current organisations was not within the spirit and intent of the Staff Governance Standard and legislative requirements.

The second option, which is to develop a matching process which is a variation on the NSS Organisational Change Policy and Process which exists in both current organisations, with a matching cap at a high level would represent a fair, consistent and transparent process. It also provides the opportunity for those whose posts change very little in relation to one in the new structure, to be matched into a post in the new structure on this basis. Details of this are set out below.

It is acknowledged that both options bring with them separate benefits and risks but for the purpose of completeness it is important to consider both options.

Organisational Change – Overview

Organisational Change across NHS Scotland is supported by the NHS Scotland Policy on Organisational Change as defined by NHS MEL (1999) 7; NHS MEL (2000) 22 and NHS HDL (2001) 38. It is clear from these documents that NHS Scotland organisations should work in partnership in taking forward Organisational Change. In particular, NHS Scotland organisations should work with the Trade Unions and Professional Organisations to take all measures possible to seek to avoid compulsory redundancy. This project is being undertaken in partnership with the Trade Unions and Professional Organisations who are involved at every stage.

In respect of these proposals, if employees are “acting up” or on a secondment the individuals substantive post will be used for this exercise.

If a member of staff has been placed in a substantive post, on an interim basis, and has been in that post in excess of 12 months, they may be included in the group of employees being considered for the senior management post matching process. However, this will only apply where the individual can evidence that they were placed following a robust and competitive recruitment exercise.

Employees who are sponsored by either organisation under Tier 2 of the Home Office Points Based System should be identified as part of the risk assessment process. Tier 2 sponsorship is role specific and may need to be withdrawn should a sponsored employee be displaced. HR advice and guidance must be sought at the earliest opportunity

At the meeting of the HR Steering Group on 20 March it was agreed that for the purposes of this exercise that all posts graded 8c and above should be included for consideration in the matching pool. At the meeting of the HR Steering Group on 8 April 2019 it was agreed that some of these posts may not be at a level in the organisation where they could be considered as anywhere near comparable to a Director’s post. On this basis it has been agreed that the list of posts below is not definitive and should be further refined. This exercise will be carried out of the coming weeks and brought back to the next HR Steering Group.

Job Title	Current Grade
CEO	Executive Level E

Director of Public Health Science	Consultant level with additional management responsibilities
Director of Strategy	Executive Level C
Director of Health Equity	Executive Level D
	Displaced employee Executive Level C
Head of Finance and Procurement	AfC 8c
Head of Public Health Observatory	Consultant level with additional management responsibilities
Head of Evidence for Action / Consultant in Dental Public Health	Consultant level with additional management responsibilities
Head of Evaluation	AfC 8c
Head of ScotPHN	AfC 8d
Head of Population Health	AfC 8c
Head of Place & Equity	AfC 8c
Head of Learning & Improvement	AfC 8c
Head of Marketing & Digital Services	AfC 8c
Head of Health & Work Services	AfC 8c
Head of People & Improvement	AfC 8c
Head of Strategic Change and Engagement (vacant from 1 st April 2019)	AfC 8c
Director Strategic Business Unit	Executive Level E
Head of Health Protection Services	Executive Level D
Associate Director Analytics & Intelligence	AfC 8D
Associate Director Data Management & Strategic Development/Head of Profession – Statistics	AfC 8D
Associate Director Consultancy, Knowledge & Research Services	AfC 8D
Medical Director – Public Health and Intelligence	Consultant level with additional management responsibilities
Head of Service – Public Health and Intelligence. (attached to 8 employees – 2 of whom remain on Exec Level B) Analytics & Intelligence Data Management & Strategic Development Consultancy, Knowledge & Research	AfC 8C

Clinical Director – Health Protection Scotland	Consultant level with additional management responsibilities
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Staff who are At Risk

Under usual organisational change circumstances, where the proposal for change includes the potential for displacement, those employees in that category would be issued with ‘at risk’ letters following the issue of the Formal Consultation Document to the Trade Unions and Professional Organisations. At this stage the proposal for change does not include the potential for posts to be displaced. To do this would be to predetermine the future organisational structure of Public Health Scotland which we are not in a position to do. Therefore, it is not proposed to issue “at risk” letters to any employees at this stage.

Organisational Change- matching of existing posts to the senior management structure proposal

Matching Process

The matching process will consist of a paper based exercise whereby current job descriptions of those posts within a defined group of staff (above) will be matched against the job descriptions for the posts in the new structure. This process will be undertaken by people trained in the use of Agenda for Change (from both organisations) along with an individual with Hay Job Evaluation experience and will be reported to an Independent Matching Panel who will consider the conclusion and information and reach a decision.

The process will be based on job content and not on the basis of job grade. It is possible therefore for a job description on one grade to be a match to a new job description on a higher or lower grade.

- **Initial Matching Panel** –This panel will be organised by HR and will consist of one or two management representative(s) and one or two Trade Union or Professional Organisation representative(s) who are both independent. These matchers are fully trained in the Agenda for Change Job Evaluation and will be accompanied by an individual with or Hay Job Evaluation experience. The process will be a paper based initial matching exercise whereby current job descriptions are matched to the job descriptions of posts in the new structure. A draft report will be jointly produced detailing whether posts match on an 80% - 100% basis or not.
- It is proposed that the initial matching process will determine whether the duties and responsibilities of the posts match on the basis of 80% - 100%. A match of less than 80%, would be regarded as no match for the purposes of this high level matching process. This information will then be reported to an Independent Matching Panel who will review the information and reach a decision.
- **Independent Matching Panel** –Following the initial matching process, HR will arrange an Independent Matching Panel which will reach a final decision on matching staff into posts in the new structure. This panel could consist of a member of the Public Health Reform team, a senior HR representation, and a member of the Executive Management Team from within NSS, who is independent of the exercise to ensure fairness and impartiality. A member of HR will attend the meeting to take notes and record outcomes and a nominated representative from a Trade Union or Professional

Organisation will also observe the Independent Matching Panel to ensure fairness and equity of the overall process.

- The Independent Matching panel will consider the report from the Initial Matching Panel, the current and new job descriptions and structure charts. The Independent Matching Panel will decide, based on the information provided by the initial matching exercise whether the duties and responsibilities of the posts match on the basis of 80% - 100%. A match of less than 80% will constitute a no match and the post will be advertised for recruitment.

Matching is undertaken on the following basis: -

- In the instance where it is deemed there is an 80%-100% match between existing job description and the job description for the new post, and there is only one person who matches on this basis to the job description for the new post, that person will be matched into the post;
- Where there is one post available and more than two employees achieve a matching score of 80 – 100% they would be required to go through a selection process to determine who would be placed in post. Those employees who achieved a matching score of less than 80% would not be considered for the post organisational change policy will apply.

Following the Independent Matching Panel, the outcomes are communicated to the staff involved on the basis of: -

- The person has been matched into a post in the new structure;
- The person has been matched against a post in the new structure but because more than one person has done so further assessment through a selection process, described as Limited Assessment, will be required.
- The person has not matched against a post in the new structure and will not be placed in a post.

Limited Assessment

The Limited Assessment Process will be required where there is more than one postholder eligible for matching to a particular post as decided by the Independent Matching Panel. The purpose of the Limited Assessment exercise is to test out the competencies, skills and experience of those involved against the criteria for the posts for which they are being considered. This will take the form of a selection based process, by a panel, where individuals are asked to answer a number of competency based questions and where appropriate, deliver a presentation. To ensure fairness and equity, a scoring mechanism should be used against both questions and presentation.

A statement of support will be completed by employees involved in the assessment process for each role they are being assessed for and submitted in advance of the assessment. The objective of the Statement of Support is to summarise the skills, knowledge and experience of the member of staff in relation to the role they are being assessed for. A statement of support is expected to be no more than 500 words. The outcomes of the Limited Assessment exercise will be communicated to those staff involved on the following basis: -

- The person has been successful and will be placed in post;

- The person has been unsuccessful and will not be placed in post.

Offer of Role in the new structure

Following completion of the matching and limited assessment processes a formal offer of the role / post in the new structure will be provided by letter.

Appeals Process

Staff have the right to appeal against the process but not the outcome of matching or limited assessment. Any appeal should be lodged at the appropriate management level and information on this will be set out in writing.

Grievance Process

At any time during this process should any member of staff have concerns or feel that they have been treated unfairly they will have recourse to use the Dealing with Employee Grievances Policy.

Jacqui Jones
Director of HR and Workforce Development
12th April 2019