

11th December 2008

Our Ref: 1/1/10
Your Ref:

To: Jean Lindsay
Director HR

Cc: Senior Reps



**Departmental
Trade Union Office**

231 Corstorphine Road
Edinburgh
EH12 7AT

Tel: 0131 314 6195
Fax: 0131 316 4822
unions@forestry.gov.uk

Edward Shephard
Secretary

Dear Jean

GRADING OF FCTU CHAIRPERSON AND SECRETARY FACILITY TIME POSTS

1. Several weeks ago we had a discussion about the options for grading or benchmarking the work undertaken by holders of the FCTU Chairperson and FCTU Secretary posts, and I undertook to write to you to formally request consideration and agreement to the points which we covered.

Background

2. As part of the Facility Time agreement between the FC and the FCTU, the FC provides funding and support for one full time post (FCTU Secretary) and one 40% post (FCTU Chair). Post-holders for these roles are selected by the unions through an internal election process; they are elected for a period of five years. Two of the presumptions underpinning the Facility Time Agreement are that post-holders should be neither advantaged nor disadvantaged as a result of taking on a role with the FCTU (this actually applies to all FCTU reps) and that as far as possible normal staff management procedures should apply.
3. Given the method of filling the posts through an election rather than through normal open competition, coupled with the fact that the unions wish the election to be open to all members irrespective of their grade, the posts are 'ungraded' and successfully elected candidates take up post at their substantive level.
4. In recent years post-holders have been given the opportunity to 'grow' their roles in line with the opportunities open to all staff: this has variously been through the shelf-board system or through a bespoke system designed to mirror the internal trawl system; both of which are now defunct. These systems were administered by HR, and the opportunity to use them were taken up by the current and previous FCTU Secretaries and the previous FCTU Chairperson.

Future Options

5. When we discussed the possible alternatives to replace these systems, we considered the pros and cons of a number of alternatives:

- a. **Level Post-filling:** the first option was for the post holder to take up post at their substantive grade for the duration of the appointment. The advantage of this option is that it is simple and requires no further input. The disadvantage however is that it does not necessarily recognise and reward the level of work actually being undertaken; and may disadvantage post-holders in comparison to contemporaries who may have an option to 'grow' their role.
- b. **Benchmark and TRA:** the second option would be to 'benchmark' the post-holder's individual FJP against the JEGS standard and if appropriate offer TRA for the duration of the appointment. The advantage of this option is that it recognises and rewards the actual contribution of the individual without the necessity of formally grading the post. The disadvantage is that due to the lack of JEGS it falls somewhat short of the arrangements contained in Staff Notice 7 that apply to other fixed-term appointments (SN7 indicates that FTAs of 3 years or longer will attract substantive promotion where applicable). It is also a bespoke solution for these posts.
- c. **Benchmark and Promote:** the third option would be to 'benchmark' the post-holder's individual FJP against the JEGS standard and if appropriate substantively promote the post-holder. The advantage of this option is that it recognises and rewards the actual contribution of the individual without the necessity of formally grading the post; though awarding a substantive promotion without a full JEGS exercise may be seen as inappropriate.
- d. **JEGS and TRA/Promote:** the fourth option is to use the standard grading maintenance as laid out in HRM9 and then either TRA the post-holder or substantively promote them in line with SN14. The advantage of this option is that it sits within the existing FC rules that apply to normal posts, but the disadvantage is that it requires the post to be graded which could restrict the options for filling it in the future. We also discussed concerns over the actual ability to performance manage the post-holder and if necessary take action to address any perceived poor performance.
- e. **Open Competition:** The fifth option would be to trawl the post through open competition with senior FCTU reps taking the line management positions on the selection board. The advantage of this option is that it fits within the normal post-filling procedures, but the disadvantage is that it requires the post to be graded which would restrict its desirability for some members.

Recommendation

6. Given the above options we agreed that the preferred option would be to ask Staff Inspection to 'benchmark' the post-holder's FJP against the JEGS standard and if appropriate to award TRA for the duration of their appointment. Although this option falls short of the substantive promotion that would be awarded to staff who were successful in applying for a fixed-term appointment of three years or longer at the higher grade, it does strike a reasonable balance between rewarding the contribution that the post-holder makes whilst maintaining the flexibility of the current election process.

7. In practical terms this would mean the post-holders would take up the appointment at their substantive grade. Then, having drawn up their FJP in conjunction with their line manager, the FJP would be submitted to Staff Inspection to be given a quick assessment against the JEGS criteria (this could be done prior to appointment if the FJP is agreed in advance). If it was found to be at a higher grade than that of the post-holder, he/she would be offered TRA for the duration of the appointment provided that there was no substantial change to the level of the FJP (in which case a further check against the appropriate JEGS standard might be necessary) and provided that they maintained a GP or better level of performance.
8. I hope this is an accurate summary of the conclusion of our discussion. I can confirm that this recommendation has been discussed and agreed with senior representatives from each of the unions, so if you are also content please could you accept this letter as a formal request to append the procedure to our facilities agreement with effect from 1st January 2009.
9. I am of course happy to discuss any points that you wish.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'E. Shephard', written in a cursive style.

Edward Shephard