



11 December 2017

Ms Lillian Tiddy
Director - Member Services
Local Government NSW

Dear Lillian

Our final comments

Your LG Capability Framework documentation:

- Implementation and change management guide
- Using the Local Government Capability Framework to manage and develop Performance
- A guide to using Capabilities in Recruitment and Selection
- Using the Local Government Capability Framework in Workplace Planning

I am responding to the most recent versions, all identified as December 2017, and I have used the titles of the documents as they are currently provided. Clearly they need some kind of uniform titling and format and understand this is a work in progress. But it is such a significant work in progress, I'm expecting that identifying the documents as "December 2017" refers to the current draft in the consultation process going on, rather than a commitment to this material being available this month.

Relevant Award provisions

It's important that this be acknowledged at the beginning. While there is a cursory and inadequate reference to Award requirements in the guides, from the breadth anticipated of this exercise, it seems likely that the following Award clauses are relevant to this exercise and, if this is the case, then those award clauses need to be acknowledged, because they have the force of law.

The proposed Framework will be relevant to and will need to accommodate:

2. Statement of Intent

Generally, but particularly the parties need to be agreed that those 13 specific intentions are not affected. The current skill-related career paths, particularly in the professional areas, are at risk from the embracing of developing different career paths and flexibility with other industries and sectors - opportunities which are inhibited by the inability of local government employees from transferring entitlements to the private sector or, particularly, the State.

4. Definitions

(iii) defines *“competency-based training to allow progression pursuant to clause 7. Salary System”* and is relevant if councils are proposing to look at different ways of providing progression in the salary system.

(x) defines *“significant effects”* from changes in the workforce and is relevant if councils are proposing to look at different ways of doing things by *“creating structures and roles ... professional development and career planning ... variations to broadband positions by making the more contemporary and further removing barriers between professions, positions and occupations within a hierarchy”*.

And even the concept that the Framework would *“target scarce training and development resources and encourage individuals to take more responsibility for their own development”* would fall within this definition.

5. Skill Descriptors

In 1989 a joint commitment was made by LGNSW and the three local government unions. It acknowledged the importance of reconstructing how jobs are evaluated and paid in the industry and resulted in the development of a skills audit, funded substantially by the NSW Government, to allow the industry for the first time to identify the skills required by employees in the industry.

The skills audit allowed the development, with external consultants, of the skill descriptors which remain largely unaltered and are found in this clause. The skill descriptors were incorporated into the Award when it was made late in 1991 to operate from 1992, and where 11 bands and levels replaced around 400 classifications across five or six historic Awards to provide a skills-based and focused workforce and progression based on the acquisition and use of skills.

The Award embraced concepts of skills and competency and skills-development and competency-development and contain a provision on performance management and reward to complement the primary focus on developing a highly skilled workforce at all levels of the industry.

The Award was made acknowledging the importance of flexibility in the construction of jobs to provide more rewarding and satisfying work as well as multi-skilling.

The Framework proposes, in identifying *“what good looks like”*, to take an approach inconsistent with the historic commitment of the parties, recently continued in the making of the 2017 Award, to provide encouragement to the acquisition of skills and performance.

There is no answer in the documents to how the Framework relates to the skill descriptors. There is no reference to clause 5.

7. Salary System

Part 1 Overview of the framework: aims, structure, uses, benefits and supporting tools of each of the documents acknowledges that the Framework “does not displace or override” the Local Government (State) Award 2017 and is not linked to the Award. There is then a far-too-brief reference to not altering obligations to evaluate positions consistent with the skill descriptors as required within clause 5 and to ensure progression through the salary system as required by clause 7 - although neither clause 5, nor clause 7 are referenced or extracts included. They need to be.

Clause 7 is the most important clause in the Award. It requires councils to do many things which not only establish a system in which employees can progress, but requires that they do so based on the acquisition and use of skills and/or performance, they have annual reviews, that there be agreed expectations about how to obtain progression within the next 12 months etc. These are fundamental to the employer’s obligations to properly pay people as well as fundamental to the rights of employees about how they should be paid and how their pay should be increased based on changes in skill, responsibility or in some agreed way on performance.

At many councils there are existing issues about compliance with the multiple requirements of the clause and clause 7 is the clause most at risk of councils using the framework not to do so.

For completeness, clause 7 should be incorporated in the documentation in full, providing as it does this summary of the breadth of its obligations:

- (i) requiring payment of all employees of the salary system rate of pay,
- (ii) requiring a structure of grades and salary points/steps for progression over and above the entry level rates of pay,
- (iii) requiring all positions to be placed in a salary grade or grades of the structure and allowing broad-banding – (something that has been facilitated by the Award for decades, yet it is regarded by the authors of the framework as an innovation),
- (iv) requiring progression based on (a) the acquisition and use of skills or (b) employee performance, provided progression remains available through the acquisition and use of skills,
- (v) requiring access to performance progression if skills-based progression is not reasonably available with performance objectives set in consultation with the employee,
- (vi) requiring the assignment of skills for progression to each salary point/step within the grade, “or set at the annual assessment provided that such criteria shall provide an opportunity to progress through the salary system”,
- (vii) requiring assessment “at least annually” or when the employee is required “use skills that would entitle them to progress in the salary system”, thereby providing potential for assessment more frequently than annually,
- (viii) not requiring annual assessments for those who have topped out in the position unless the employee requests a review,
- (ix) requiring the employer to advise the employee “of the skills and/or the performance objectives required for the employee to progress to the next salary point/step and review the employee’s training needs,
- (x) requiring an appeal mechanism

- (xi) requiring the employer to provide access "to information regarding the grade, salary range and progression steps of the position", and
- (xii) requiring protection of an employee's rate of pay or range if a new salary system is introduced which provides lesser, and requiring agreement to prevent "a reduction in progression steps based on the acquisition and use of skill, unless otherwise agreed."

These twelve requirements are not options from which a Council can make choices (although many are either intentionally or unintentionally) but are all fundamental and untouchable requirements.

They need to be specifically documented in the guides and any other documentation prepared by LGNSW in developing this framework and they have not been.

8. Use of Skills

8(i) acknowledges the parties are committed to improving skill levels and the framework's sole focus on "behaviours" could be used to challenge this commitment. It needs to be clear the framework does not challenge, modify or in any other way quash that commitment.

8(ii) allows the employer to direct an employee "to carry out such duties that are within the limits of the employee's skill, competence and training" and the sole focus on "behaviours" could be used to challenge that is not much from that these three specific descriptors or worse, to attempt to direct people to carry out such duties that may be within their capabilities but not their skill, competence and training. This needs to be clarified.

9. Performance Evaluation and Reward

LGNSW is endeavouring to create an appetite in the industry to use the Framework "to manage and develop performance". There is a specific guide for that purpose. Clause 9 Performance Evaluation and Reward performs this role now. While it may be arguable that there needs to be a management tool to assist in the measurement of "behaviours" which allow proper measurement of ascending levels of performance, if this is to happen it can only happen acknowledging the three separate and distinct some sections of performance measurement and reward within this clause.

In doing so it needs to be noted that recasting the assessment of performance into concepts of "behaviours" with a template developed primarily by someone else, when for professional staff performance is invariably determined on output, in terms of both quantity and quality. The framework can only overlay an additional tool where, as yet, it has not been demonstrated that it adds any value.

We know from our experience that a professional employee processing development applications for example, efficiently, consistent with the planning instrument, with no complaint from the applicant nor affected neighbours, thoroughly and without legal challenge, is a higher performing employee than another who does not deliver on these quantitative and qualitative measures.

How an additional focus on “behaviours”- trying to insert a new language into the assessment process but which still comprises of the same components, only differently described - isn’t adding value.

The framework can only respect and accommodate the intentions and commitment to improving “the overall efficiency and effectiveness of local government services” by the mechanisms contained within the three subclauses:

9A Enterprise

It’s all about the intention of the parties “to create a flexible award in which employers can increase the overall efficiency and effectiveness of local government services ... (and develop) enterprise key performance indicators which are specific to local needs.”

9(iii) refers to the development of KPIs having regard to “measurement of the manner and process by which services are provided” and (b) (measurement of both qualitative and quantitative aspects of service provision e.g. community satisfaction, timeliness, service quality, output and cost data.”

The concept of “behaviours” is simply a different way of describing this.

9B Individual/Team

9B(i) refers to KPIs for teams and individuals, (ii) requires employees to have “confirmed the role, accountabilities and performance standards that are expected of them”. This is performance management writ large.

9B(iii) identifies how the process of on-going feedback about performance occurs in three stages - joint development of objectives and performance standards, progress reviews and a formal performance review followed by decisions and outcomes.

The concept of “behaviours” is simply a different way of describing this. Everyone knows what good looks like.

9C Bonus and Additional Performance Payments

This subclause allows at (i) access to bonus payments for employees “who have progressed through the maximum point step for their position” and at (ii) “if a salary system provides for the payment of a performance component separate from a skills component, variations to payments under the performance component shall not affect payments under the skills component.”

This needs to be emphasised in the Guide.

15. Allowances, Additional Payments and Expenses

There are at least three subclauses that are entirely skills and accountability related that need to be acknowledged as an inappropriate area for imposing any concept contained within the Framework. They are:

- (xv) Civil Liability- Engineering Professionals

- (xvi) Accreditation of employees as Chartered Professional Engineers, and
- (xvii) Accreditation of employees by the Building Professionals Board

31. Training and Development

Clause 31(i) provides:

The parties to this Award recognise that increasing the efficiency and productivity of the industry requires an ongoing commitment to education, training and skill maintenance, development and enhancement. Accordingly, the parties commit themselves to:

- (a) developing a more highly skilled and flexible workforce*
- (b) providing employees with opportunities to appropriate education and training to acquire additional skills and*
- (c) removing barriers that the utilisation of skills in accordance with the employers' training plans*

It is difficult to determine where "behaviours" would fit within this recognition, yet this clause and the obligations and entitlements provided are not referred to or acknowledged in any of the four guides.

And given that this clause also provides for CPD training for professional staff, much of which is "in accordance with legislative CPD requirements" as a requirement for accreditation or practising, this is an unacceptable and dangerous area to tamper with.

32 Consultative Committees

As the framework relates to a number of clauses within the Award, so it relates to a number of the functions of the consultative committee prescribed in clause 32C Scope of Consultative Committees:

- (i) The functions of the consultative committee include:
 - (b) training
 - (c) consultation with regard to organisation structure
 - (d) job redesign
 - (e) salary systems
 - (g) performance management systems
 - (i) local government reform

While the draft guides refer to the role of Consultative Committees, reference to the primary and compelling role of the Consultative Committee needs to appear very, very early in the documents. This would ensure that councils are aware of their obligations to consult with the Consultative Committee at both the conceptual and contemplative stage of whether that Council adopts this Framework, as well as during its implementation, if the Council decides to proceed and do so.

39. Workplace Change

This clause prescribes at 39(i)(a) the employer's responsibility to notify a proposed change in organisation structure "that is likely to have significant effects on employees and/or result

in a reduction in the size of the employer's workforce" and "significant effects" are defined in clause 4 (xi) as follows:

Significant effects include termination of employment, major changes in the composition, operational size of the employer's workforce or in the skills required, the elimination or diminution of job opportunities, promotion opportunities or job tenure, the alteration of hours of work, the need for retraining or transfer of employees to other work or locations and the restructuring of jobs."

39(i)(a) continues to require "the employer shall notify the employee(s) who may be affected by the proposed change and the union(s) to which they belong, at least twenty-eight (28) days before the change is implemented.

Other significant obligations on the employer at (b) to provide notice to the unions of a proposed change in organisation structure include at (c) the nature of the proposed change, the reason(s) for the proposed change, and the position(s) likely to be affected"

Clause 39 prescribes an employer's obligation to notify and continues at (ii) to require the employers "to notify and discuss change after making a definite decision", in a number of ways including to discuss with the employees and the unions, effects of the changes, measures to avert or mitigate the adverse changes, promptly consider the matters raised by the employees and/or the union, commence discussions as soon as practicable and all relevant information about the changes.

This must be included in full, or in a summary of each individual obligation, rather than simply provide access to the obligations via a link.

The Four Draft Guides

The Implementation and Change Management Guide provides general advice while the guides to Manage and Develop Performance, using Capabilities in Recruitment and Selection and using the framework in Workforce Planning are more specific. However, all contain the same provisions in **Part 1: Overview of the framework: aims, structure, uses, benefits and supporting tools** as they all contain the same provisions, below are our comments on Part 1 and comments on the four separate documents will be included as attachments.

Part 1: Overview of the framework: aims, structure, uses, benefits and supporting tools

Overview and background comprises three dot points:

- No comment
- the second dotpoint purports to explain why LGNSW is doing this. We always thought it was a philosophical/political decision to kowtow to how things are done in the State and simply impose a different language on an industry already doing substantially these things, but this is not acknowledged. Therefore, no comment.
- The third dotpoint is an attempt to ensure that the guide acknowledges that there are provisions in the Award that the framework must respect and that the framework cannot "disclose or override", nor "is linked" to the Award.

That's a good start but in this dot point there is an acknowledgement only that the framework does not alter obligations to evaluate positions in the structure in accordance with the skill descriptors as prescribed, but not here acknowledged in clause 5, or ensure progression through the salary system as prescribed, but not here acknowledged, in clause 7.

The significant obligations within the Award detailed in this letter need to be incorporated here or where they specifically apply in any of the Guides.

This is all about our primary concern for the need to establish what the framework is, and what it isn't.

Capability framework aims is said to have been developed for use by local government to do eight things identified in eight dotpoints:

- Yeah, yeah.
- No comment
- This relates to clause 9 of Award but not acknowledged.
- Yeah, yeah, but what attracts and retains highly capable people is job satisfaction and luxuriant remuneration and this is not acknowledged anywhere.
- There is no transferability of entitlements between the State and local government and this will frustrate this intention.
- Relates to clause 2, 31 and 39 but not acknowledged. Between whom is the "shared basis" for workforce planning established?
- Relates to clause 2, 15 and 9 but not acknowledged.
- No comment.

Capability Framework Structure

This provides broad explanation of the core capabilities across four groups, many of which are effectively paraphrases of skill descriptors, asserts that "the capabilities work together to provide an understanding of the common knowledge, skills and abilities required of ... local government employees" but doesn't acknowledge that knowledge and skills relate to clause 5 and abilities relates to clause 9.

Asserts the framework "complements the specific technical and professional skills as required by certain positions" but does not follow through subsequently to explain this. The "specific technical and professional skills" relate to clauses 2, 5, 7, 9, 15...

Capability framework uses

This contains two dotpoints but for employees asserts that it may be used "as a foundation for all aspects of people management, from workforce planning through creating structures

and roles, to recruitment, performance management, professional development and career planning”.

These aspects relate to clauses 2, 5, 7, 8, 9, 15, 31, and 39 and potentially 40 but this is not acknowledged.

Capability framework benefits – organisational

Interestingly acknowledges “potential measurable improvements” *only* with “sector-wide implementation of the Capability framework” and claims no measurable improvements individually or for even substantial parts of the sector, but provides four identified potential improvements:

- Yeah, yeah.
- “Budget performance through time saved and better match to needs etc.” translates as cost cutting into wages and salaries budgets and training. This is the most pernicious admission.
- Fantasy.
- Leaving aside references to relevant clauses of the Award, the concept of local government being an “employer of choice” requires, in our experience:

market-based salaries which councils claim they are unable to afford, are very rarely the reality in the industry and rarely competitive with equivalent positions in the State;

proper performance reward which councils claim they are unable to afford;

suitable cars and other aspects of remuneration;

flexibility beyond that ordinarily provided for work and family responsibilities including nine day fortnights when many councils are in the process of removing them and,

the most difficult thing for local government to provide - smart, capable, selfless and humble councillors, so that employees don’t find themselves embarrassed by the behaviour of the body politic.

Capability framework benefits - individual

For managers this provides four identified benefits:

- Not Esperanto, then? I am not aware, after more than three decades in the industry, of there being a lack of clarity with managerial or supervisory expectations, other than for reasons of cognitive or emotional limitations.
- Relates to clause 2, 7, 8, and 39 if a link can be established. We have no issue with administrative staff working between different counters in an organisation but anyone involved in planning requires a professional qualification and, given that

planners are in short supply in the industry because of an unwillingness to pay market rates, suggesting that a professional planner has links to administration and customer service, other than peripherally in relation to their primary role, won't assist and shows a lack of knowledge of the industry.

- I have no idea what this means other than sounding like a fantasy. Broad-banding positions (having a position which fits between a number of grades in the salary system) is not uncommon in the industry already but the concept of "removing barriers between professions, positions and occupations within the hierarchy", not only relates to clause 2, 5, 7 8, 15 and probably 9 and 39 of the Award, is alarming without further information.
- This is another pernicious purported benefit which means that "scarce training and development resources" can be protected by encouraging individual employees "to take more responsibility for their own development". This is contracting out Council's obligation to train staff (clause 31) by requiring them to do training and development in their own time and at their own expense. This is completely unacceptable.

For employees, this provides three identified benefits:

- Accepted
- Self-assessment is a step towards the individual taking more responsibility for their own development and training and relates to the clauses listed above on this point.
- Conceded this is arguable.

Comments are provided in the responses to the individual guides to **the Supporting material and tools provided by LGNSW** section.

Specific responses for each of the four documents are attached.

Yours sincerely



Ian Robertson
Secretary

LG Capability Framework - Implementation and Change Management Guide

As a general observation, the guide is insufficiently precise about the requirement to involve the Consultative Committee early in the process.

P7 Key Steps for Implementing the Capability Framework

P8 Figure 1

The order of the steps needs to be reviewed. The first step should be the GM, management and the Consultative Committee understanding and determining if there is a compelling reason for implementing the framework. Everything follows from that.

The two preliminary steps (i.e., finding a compelling reason for implementing it and demonstrating the benefits) need to be relegated below the third step which requires the engagement of the GM, Senior Management Team, the Consultative Committee and the Council. (Our preferred order.)

Who is intended to develop the compelling reason and demonstrate the benefit if not this group?

Step 6 of ensuring key stakeholders are consulted (that is, managers, staff and unions) needs to be elevated up the list.

It beggars belief that there will be a "project initiator" if the GM and management team are not sufficiently briefed to determine whether they should proceed in the first place.

P9 The second dot point identified under **Make the case** identifies "potential for substantial budgetary savings" in areas such as recruitment and selection, training, performance management and career and succession planning, where these are the precisely the areas that have been frustrated by budgetary considerations.

This sounds like a fantasy but the way in which budgetary savings are expected needs to be clearly stated. How will the Council cut costs in these areas? More importantly, how will a Council do it under the terms and obligations of the Award?

Similarly the fourth dot point and its reference to the industry becoming "an employer of choice" for the same reasons.

P10 Under the heading **Gain in principle commitment from key senior stakeholders for the idea**, there is too much priority afforded to elected councillors at a time when the Local Government Act has been amended to reduce and restrict the decision-making of the elected body in determining the Council structure. The framework should not attempt to reinsert it here.

The reality is this needs to be driven by management in cooperation with the workforce, once having understood the concept and determined whether it should be adopted.

The document, as all good propaganda must, does not contemplate a decision not to proceed with the introduction of the framework. It should.

Under the heading **Develop a detailed project plan**, the consultation arrangements should be elevated up the order of the dotpoints.

P11 Under the heading **Decide on phasing workforce implementation project**, there is provided in the penultimate hyphen-point and in reference to Figure 2, the need to establish “capability levels for different positions” when the professional area, qualifications and experience are essential requirements but this is not acknowledged.

P12 And in the penultimate hyphen point in reference to using the framework “as a support to performance management”, it assumes that performance management cannot operate without “the required capability levels before discussing performance and development”. The Award clause 9 needs to be acknowledged here and this process will delay performance reviews which are regularly performed after the due date in the industry generally anyway.

The more you read about the proposed framework, the more impractical and resource intensive it appears.

P13 There is reference at 2 on the top of page 13 that in the rollout to the workforce “the findings from the readiness assessment and risk analysis” are pre-requisites but by this stage of the guide, the readiness assessment and risk analysis have not been mentioned.

Under the heading **options for rolling out the capability framework to the workforce** there needs to be a proper reflection of the need for understanding and this is not provided. Neither is there any contemplation that after consideration of “possible benefits” (a concession be made that benefits are only “possible”, not “probable” or guaranteed) a Council may not proceed without wasting any more money. This could also be included in the column headed **Risks and mitigation strategies**.

P14 The heading **Gain commitment from all stakeholders** is wrongly placed and should be the first step. Again, I reiterate our comment on the priority afforded by LGNSW to elected members and the Mayor when as an issue which would affect the workforce, while the elected organisation needs to be on board and not hostile, this should remain the primary responsibility of the GM, management and the Consultative Committee.

All this emphasises the need to restructure the step by step process in a more logical way.

P16 Case studies

P17 **Case study 1** is **Bayside Council** yet the steps adopted by Bayside do not reflect the steps recommended in this document, as it was adopted by the GM and flowed down the organisation with no involvement of an elected Council.

P18 Despite the claim in the fifth dot point that “a copy of all documentation was submitted to the unions”, there is no record of any approach to depa on this proposed change despite reference to a 28 day consultative process. This may have been dealt with at a local level but this is not what is provided in clause 39 where advice to “the unions to which they belong” means officials of the union and not any local representatives.

P19 **Case study 2 Port Stephens Council** also ignores any role for the elected Council, instead identifying a business case prepared by HR to beguile the Executive Team. There was no advice provided “to the unions to which they belong” pursuant to clause 39.

P21 **Case study 3 Liverpool Council** apparently introduced their framework without any advice “to the union/s to which they belong” as required by clause 39. Reference in the case study to “all three Unions” can only refer to local representatives. At least for depa, there was no knowledge

that this had occurred until after an article was published in depaNews about the Capability Framework dispute...

At Liverpool the Capability Framework masquerades under a document called "People Achieving Policy" which, apart from providing challenging syntax, does boast under 4.7(b) "People achieving provides progression through the salary system in accordance with Clause 7 - Salary System - of the *Local Government (State) Award 2014*" - and while it continues that that progression is based on the acquisition and use of skills, this is restricted with the wording "as described in the capability profile and reviewed through the People Capability Assessment Tool" and "demonstrated through performance and goal achievement".

Not so much an acknowledgement of a relationship with the Award but an attempt to appropriate it and rebrand it.

Further at 4.7(c) "to be eligible for progression through the salary system, the employee must be participating in People Achieving and have a current Achievement and Development Plan in place."

4.7 raises more issues than it resolves.

Conclusion from the three case studies

Given that LGNSW has chosen these three councils, all of whom have breached obligations under clause 39 Workplace Change to notify the unions to which the employees belong, this is a clear indicator of an agenda endorsed in this documentation to cut the unions out of their legitimate and legally enforceable roles.

From P25 Stakeholder checklist

Please, rewrite to remove personal pronouns and artificial personal pronoun constructs and write this document in a non-sex-specific way. Given that the awards in the industry all had sex specific pronouns removed in the 1980s, and that this framework facade is boasted to be a "game changer", it's a funny game LGNSW is playing to replace gender neutral language with personal pronoun constructs.

"s/he" is awkward and uncomfortable (and commits the culturally unpopular offence of assuming there are only two genders with which local government employees can identify) but "him/herself" is simply unforgivable. The bloke personal pronoun goes first...

More importantly, the Stakeholder checklist reflects the political obligation of LGNSW being primarily a councillors' organisation and the checklist should be re-prioritised acknowledging the limitations upon the role of the Council in areas beyond the establishment of a structure at the senior staff and functional level.

Leaving aside the inappropriate priorities, this seems to be an inconsistency in the document anyway.

The checklist needs to be redrafted consistent with comments made already about priorities. How does it make any sense at all to leave understanding of the framework to step 4?

Unless, LGNSW is already conceding that this will only develop any momentum in the industry if it is embraced at councils without understanding it...

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LG Capability Framework - To Manage and Develop Performance

P7 Introduction describes how performance is managed and developed now but using different language.

The third paragraph about being the “glue” is simply embarrassing.

In the fifth paragraph there is reference to having regard to the provisions of clauses 7 and 9 of the Award “which regulate salary systems and the management of performance and reward”. There is conflicting advice coming from LGNSW about whether the system is intended to affect performance reward. Clearly from this document it is intended.

This could be a useful provision and should be moved into part 1 when it is rewritten.

Developing a performance agreement

Under the heading **Selecting the capabilities**, the document ignores that performance agreements are currently developed in the industry without any reference to capabilities. They focus on performance.

The framework proposes a rewriting of position descriptions in a way which will require an entirely different approach in the industry and significant resources. And as proper resourcing is a constant battle in councils, the financial obligation here is significant. It does need to be proper costing as part of this exercise so that everyone involved, before a decision is taken, understands the financial implications.

Particularly for merged organisations which have just completed re-drafting of position descriptions, it would be fanciful to suggest they all be rewritten in a different language that no one understands.

The difficulty for the framework is that it will only work if everything changes and if everything changes everywhere.

P8 In the section on work to be carried out, the guide acknowledges how things are done now - a list of tasks and/or objectives to be achieved, often with expected timeframes.

There is no evidence provided here that adding capabilities adds any value at all. In fact, the line “to be meaningful, the capabilities need to be related to what is actually done”, is evidence of the risks in the industry for this to occur. It is embarrassing that this needs to be said.

In the antepenultimate line of the second paragraph the expression “motherhood” statements is used. This should read as “parenthood” statements if the expression needs remain at all.

In the absence of evidence, the incorporation of this consideration into how performance agreements operate now, seems meaningless, not adding any value to the process and requiring significant changes of approach with no corresponding productivity or performance benefits.

P9 there is reference to "Attachment AAA" at the top of the page. I assume this is referring to Attachment 2?

Under the heading **Discussing progress, achievements and developments**, the example provided is an accurate example of how things are already done.

P11 Attachment 1 provides an indicative distribution of positions and capability levels based on the award bands and levels. This can only ever be an arbitrary provision which seems unusual given that it is intended to be used in development to create limitations about the higher levels.

Further, it identifies the position of Manager at 3/2 -3/4. It is improbable that there are any positions of manager in the industry at 3/2 and in merged councils and in larger organisations managerial positions can be found in B4 and have been for years.

The anticipated bands and level seem questionable.

P12 Attachment 2 simply writes a new dimension of capabilities into objectives and timeframes. Why bother, other than feeling left out when the Kool-Aid is poured?

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LG Capability Framework - Recruitment and Selection

P7 Part 2 - A guide to using capabilities in recruitment and selection

Smart councils will ignore this. Please refer to comments already made about this section in Attachment 2.

This section is largely patronising and at **P8** the final sentence in that section, "a capability-based position description is needed to provide the basis for a capability-based recruitment and selection process", can only be responded to, with durr ...

P9 the final line in the first paragraph on this page includes "it is also an opportunity to make sure the capability and other requirements are consistent with those applying to similar Council roles and logically relate to those in the roles career path streams(s)", needs explanation and clarity.

Observations generally on this page are patronising about those currently involved in recruitment and under the heading **Choosing how to fill a position** it is poorly expressed to say that the Award "places no limitation on multi-skilling - establishment of skills-based career paths and broadening the range of tasks an employee may perform" as these are commitments of the parties to the award included in clause 2 statement of intent.

The award encourages these things, and the choice of wording reflects the hostile nature of the author to the Award and the parties to the Award.

P10 feeds the anxiety that this system will ignore "any technical skills deemed essential to the performance of the role". This should read "technical or professional skills" (and in case I've misread anywhere else, that comment applies wherever the expression technical skills is used elsewhere).

Under the heading **Advertising the position**, the first dot point should be rewritten to emphasise the primary consideration in the selection of "relevant experience, knowledge and technical or professional skills".

The paragraph below the dotpoints is unclear (I think it means don't include selection criteria that are not essential to the job) and there is reference then to an aim to develop "an example of an advertisement referring to capabilities for the final version of this document" and this needs to be seen in the context of considering the document in its entirety.

P11 under the heading **Application requirements and shortlisting** there is a list of Council positions but no reference to environmental building or building certification professionals which are all positions where there is a shortage in the state (and nationally) and where if planners are to be identified, so should related professionals.

Under the heading **Assessing the pool of shortlisted candidates - general**, the key principles should be reordered so that information contained within the fifth dotpoint, noting for the first time "skills, experience, knowledge and other essential requirements relevant to the position" needs to go at the top. This is after all the priority in making appointments.

In the final dot point there is reference to "referee check should be treated as an opportunity to gain further information about the candidates rather than a simple confirmation of the view already reached by the panel" raises the possibility that the person contacting a referee will hold information that would normally be provided by the employee, or the referee to the entire panel. This raises risks in the appointment process.

P13 under the heading **Writing up the assessment of capabilities** requires a selection report to cover the full range of criteria "including capabilities". While this will make sense to the acolytes of the framework, it does raise issues about merit appointment under section 349 of the Local Government Act.

P14 **Onboarding and induction**, really? Onboarding? Cut the jargon.

P16 **Attachment 2 - Selection Report template** challenges the importance of qualifications and experience by relegating this to a heading "knowledge and technical skills". It's also patronising to professional staff who have professional skills.

The most critical considerations for the appointment of professional staff is proposed to occupy what, 10% of the Report template?

Hilarious.

depa comments 11 December 2017

LG Capability Framework - Workplace Planning

P8 1. Introduction

The concept of managing “shortages and surpluses in capability levels and to resource anticipated council directions appropriately” needs explanation. Is the guide seriously suggesting that a workforce strategy will recruit to manage capability levels rather than skills, qualifications and experience an actual specific jobs?

P9 Workforce analysis at the first and second dot points should add the word “experience” to “skill, knowledge and capability areas” and however elsewhere described. An explanation is required in the fifth dot point about the compatibility of the demographic characteristics of employees with the community served by Council - is this to introduce a new concept in employment, that the employees need to be compatible with the demographic characteristics of the community? Sounds like ghettoism.

The final dot point reinforces the point made, probably most forcefully by depa and the LGEA, of the need to provide market competition with appropriate salaries and conditions where there are skill and staff shortages

P10 Develop strategies, requires an explanation of what is meant in the second dot point of “changes in the mix of employee categories” and, in particular, the third dot point “capability-based mobility to new priority areas”. This sounds like a clause 39 issue as it raises the possibility of employees being moved out of their traditional career path/professional expertise based upon having a capability needed outside those areas.

On this point just made emphasises the confusion in the messages here because in the fourth dot point it proposes the “introduction of new workforce management arrangements to improve attraction and/or retention”. We couldn’t agree more, once a Council has the market rates right, making people fall over themselves to come and work for you, plus arrangements with cars, plus flexibility for work and family, let’s see what can happen next.

Reference to regular reporting on progress to the Consultative Committee should be moved closer to the front of the document to reinforce the importance of consultation with the workforce.

P11 Attachment 1: Workforce Planning Considerations, raises “training and development opportunities” in the third column alongside “skill and capability analysis” but in other documentation, there are expectations that training costs will be reduced. There are too many inconsistencies in this message.

In that same table alongside “Turnover and staff movements” there is reference to “retention strategies to reduce risk of losing highly skilled staff”, the points made above in the second paragraph under P10 are reiterated.

P13 Attachment 2 Workforce Plan Template, 2.1 in looking at the current external context considers the national context, the red context and “current Tasmanian context”. WTF?