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Mid-Term Report of the ‘Mobility Working Group’

Board of Governors

**7, 8 and 9 December 2016**

1. **Introduction**
2. **Mandate**

In its meeting of 2 – 4 December 2015 the Board of Governors has mandated the Secretary-General of the European Schools to create a new working group which will have to deal with the requirement of mobility of staff in particular in sensitive areas.

The decision of the Board of Governors reads with respect to the creation of the Working Group as follows (2015-12-D-8-en-3):

1. *The Board of Governors mandates a working group to examine the wider problem of rotation for all sensitive posts. This working group will examine in particular the second option (‘new occupational category for Accounting Officers’) as illustrated in document 2015-07-D-16-en-4, as well as possible mobility packages. The working group will also deal with the rotation of seconded and locally recruited bursars. The first draft conclusions of the working group will be submitted to the Board of Governors for discussion in April 2017. A final proposal will be submitted to the Board in December 2017 at the latest, which will be aligned with the results of the ‘Working Group on the Review of the Financial Regulation’.*
2. *The working group should be composed of two representatives of the European Commission, the Head of the HR Unit of the OSG, the Financial Controller, one representative of the AAS, one representative of the Staff Committee, one representative of the Directors and the Chair of the Budgetary Committee.*

This working group should also align its work with the working group established by the Board of Governors in April 2016 dealing with the situation of the Bursars in the European Schools which has to provide a mid-term report by April 2017 and a final proposal by the end of 2017 too.

The requirement of mobility of staff working in sensitive areas was already highlighted by the Court of Auditors in its report concerning the financial year 2012.

In its report the Court of Auditors stated with respect to ‘sensitive posts’ that ‘*the internal control weakness regarding the management of sensitive functions (Accounting Officers and Bursars) should be corrected through the implementation of a rotation system of these staff members among the schools’[[1]](#footnote-1)*.

During the final negotiations of the Service Regulations for Locally Recruited Teachers in the European Schools also the issue of Mobility was addressed. In this context the representative of the EU Commission stressed that the ‘Mobility Working Group’ should not focus only on sensitive areas, but also address the mobility of other staff categories and in particular the mobility of locally recruited teachers.

In order to prepare this Mid-Term Report the Working Group met twice. The first meeting took place on 29 September and the second meeting on 21 October 2016.

1. **Purpose of mobility**

In a first discussion all members of the Working Group agreed that mobility and job rotation should be discussed in all their dimensions. Although the mandate of the Working Group goes back to the recommendations of the Court of Auditors and the concept of ‘fraud prevention’, all members of the Working Group agreed that mobility and job rotation may have positive affects besides avoiding fraudulent practices. On the other hand also negative side-affects should not be neglected.

In fact – besides fraud prevention - mobility and job rotation might help to identify skills and attitudes, can motivate staff members and help them to deal with new challenges. They may boost satisfaction in the job and lower the rate of attrition. Finally, job rotation and mobility will help to review and improve processes.

On the other hand rotation and mobility will require time to get staff members acquainted to the new environment and tasks and might create stress and anxiety.

In summary, the members of the Working Group agreed that well managed mobility and job rotation can be in the interest of the service and the staff members.

Therefore it was agreed to assess the issue of mobility and job rotation for all categories of staff and to analyse in which areas mobility and job rotation could be not only in the interest of fraud prevention, but also in the general interest of the service and the interest of the development of the personnel concerned.

1. **Current situation**

When illustrating the current situation a distinction should be made between (1.) the managerial and (2.) the executive staff, (3.) the teaching staff and (4.) the administrative and ancillary staff of the European Schools.

An overview concerning all staff categories can be found in the annex of this document.

1. **Managerial staff of the European Schools**
2. **Current situation**

The ‘managerial staff’ of the European Schools is defined in Article 6 c) of the *Regulations for Seconded Staff Members of the European Schools*.[[2]](#footnote-2) The term ‘managerial staff’ covers the Deputy Secretary-General, the Financial Controller, the Deputy Financial Controller, the heads of the administrative units in the Office of the Secretary-General and the Bursars. In this sense also the Secretary-General of the European Schools, not mentioned in the Staff Regulations for Seconded Staff Members, can be considered to belong to the ‘managerial staff’ of the European Schools.

For the ‘managerial staff’ so far no mobility policy has been established. Nevertheless, the ‘Mobility of Bursars’ is a particular issue, which is tackled by a separate working group dealing with the ‘Situation of the Bursars in the European Schools’. In the ‘Mid-Term Report’[[3]](#footnote-3) of this Working Group the issue of mobility of Bursars is addressed.

The length of secondment for these managerial functions varies. According to the ‘*Profile, duties, rules for appointment and service regulations of the Secretary-General and the Deputy Secretary-General’’*[[4]](#footnote-4)the mandate of the Secretary-General and the Deputy Secretary-General is limited to three years and can be prolonged once for another three years.

According to Article 29 b) of the Regulations for Seconded Staff Members of the European Schools the length of the secondment of the other members of the managerial staff shall be confirmed for either a specified or an unlimited period.

1. **Discussion in the Working Group**

The members of the Working Group agreed that the mobility of Bursars will be addressed in the ‘Bursar Working Group’.

With respect to the managerial staff in the Office of the Secretary-General the members of the Working Group took the view that – like for the executive staff (Directors and Deputy Directors) - a limitation of their secondment to nine years could be reasonable as these functions in general concern sensible areas.

In this context it was noted that the German Presidency is promoting a proposal to mandate a new Working Group to deal with the recruitment, profile and duties etc. of the managerial staff (Heads of Unit, Financial Controller and Deputy Financial Controller) in the Office of the Secretary-General (see document 2016-09-D-56-en-2).

1. **Recommendation of the Working Group**
* The Working Group recommends envisaging a limitation of the secondment of the managerial staff of the Office of the Secretary-General (Heads of Unit, Financial Controller and Deputy Financial Controller).

1. **Executive staff of the European Schools**
2. **Current situation**

The ‘executive staff’ of the European Schools is defined in Article 6 a) of the Regulations for Seconded Staff Members of the European Schools. The term ‘executive staff’ covers the Directors and the Deputy Directors for the secondary and primary cycle of the European Schools.

The length of their secondment is limited to nine years in accordance with Chapter V of the ‘*Implementing Regulations for the Appointment and Evaluation of Directors and Deputy Directors of the European Schools’*[[5]](#footnote-5)*.*

A transfer of a member of the executive staff to another school is possible at the end of the fifth and sixth year. In case of transfer the member of the executive staff is entitled to the allowances linked to the transfer (removal and installation allowance) and will keep his/her seniority.

In the last four years on average two transfers took place per school year.

Moreover, on average five to six Directors or Deputy Directors left per school year their School and were replaced by newly appointed Directors or Deputy Directors.[[6]](#footnote-6)

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| **School year** | **2013/14** | **2014/15** | **2015/16** | **2016/17** |
| **number of transfers** | 1 | 1 | 0 | 6[[7]](#footnote-7) |
| **Number of new appointments** | 8 | 4 | 5 | 5 |

1. **Discussion in the Working Group**

The Members of the Working Group considered that the changes (turn-over) with respect to the in total 42 executive posts are quite remarkable over the last four school years.

Moreover, the members of the Working Group agreed that the transfer of Directors from one School to another School at the end of the fifth or sixth year of their secondment should not be enforced as the possibilities of transfer are limited.

Nevertheless, the criteria, the conditions and the procedure to allow a transfer could be reviewed in order to stress clearer that a transfer has to be in the interest of the service. In this context it was stressed that it should be avoided that all three executive pedagogical functions become vacant at the same time.

Finally, it should be kept in mind that the German Presidency is promoting a proposal to mandate a new Working Group to deal also with the recruitment, profile and duties and the modalities of the transfer of Directors and Deputy Directors.

1. **Recommendation of the Working Group**
* The Working Group recommends that the transfer of Directors and Deputy Directors should stay voluntary.
* Moreover, the rules for transfer should be reviewed either by this Working Group or by the requested new Working Group dealing with the recruitment and appointment and the profile and duties of Directors and Deputy Directors.

1. **Teaching staff**

With respect to the ‘teaching staff’ a distinction has to be made between seconded teaching staff and locally recruited teaching staff.

**a) Seconded teaching staff**

**aa) Current situation**

The secondment of the teaching staff is generally limited to nine years in accordance with Article 29 a) of the Regulations for Seconded Staff Members of the European Schools.

The mobility of seconded teaching staff is not promoted. Nevertheless, Article 4.2 of the Regulations for Seconded Staff Members allows a transfer from one to another school under certain conditions and reads as follows:

 *‘At the request of a member of staff, on the advice of the Director and on a proposal from the relevant national Inspector, the seconding authority may authorise a transfer from one School to another. However, such authorisation may only as a rule be granted once, on completion of the first five years of secondment. It shall in no way modify the total length of secondment (nine years) referred to in Article 29 of these Regulations.’*

Article 4.2 of the Staff Regulations can be read as an exception from the rule which does not envisage mobility of seconded teachers. Nevertheless, if a transfer is authorised the teacher concerned will receive the allowances linked to the transfer (removal and installation allowance) and will keep his/her seniority.

**bb) Discussion in the Working Group**

The members of the Working Group considered that mobility of seconded teachers is not a priority.

Although a need of further harmonisation between Schools, language sections etc; was agreed, it was preferred that other tools to ensure further harmonisation, like in particular common training sessions, should be further explored.

**cc) Recommendations of the Working Group**

* The Working Group recommends keeping the current system which allows transfers in the interest of the service at the end of the fifth year of secondment.

**b) Locally recruited teaching staff**

**aa) Current situation**

Teaching staff is locally recruited whenever a teaching post cannot be filled by a seconded teacher or to cover temporary teaching needs. The conditions of their employment are laid down in the ‘*Service Regulations for Locally Recruited Teachers in the European Schools*’[[8]](#footnote-8).

According to Article 12 of these Service Regulations locally recruited teachers should receive either an ‘ad interim contract’ or a fixed term contract of two years which can be prolonged under certain conditions for another two years. After a total of four years locally recruited teachers can receive a contract for an indefinite period.

Article 38 of the Service Regulations promotes the mobility of locally recruited teachers. In case of transfer to another school the teacher will be entitled to a removal allowance and will keep his/her seniority. Only the amount of teaching hours/periods might change in the case of transfer.

Different from seconded teaching staff they are not entitled to installation or reinstallation allowances and are only entitled to removal allowances.

**bb) Discussion in the Working Group**

Like for seconded teachers the members of the Working group took the view that transfers between schools should be possible, but not mandatory. It was stressed that locally recruited teachers in principle have to be replaced by seconded teachers if possible. In reality locally recruited teachers are in some schools the even more permanent members of the teaching staff who guarantee some kind of business continuity.

Moreover, mobility might prove to be very difficult for locally recruited staff since they have to renounce to their previous employment contract and might lose benefits for retirement packages, etc.

**cc) Recommendations of the Working Group**

* The Working Group considers the current ‘mobility package’ for locally recruited teachers as being sufficient.
* Moreover, the Working Group recommends that the mobility of locally recruited teachers remains optional.
1. **Administrative and ancillary staff**
2. **Current situation**

Besides the Bursar of the Schools who are supposed to be seconded staff members, the other members of the administrative staff are locally recruited. Their contractual relationship with the European Schools is based on the ‘*Service Regulations for the Administrative and Ancillary Staff (AAS) of the European Schools’[[9]](#footnote-9)* and binding national labour law.

Administrative staff receives in general contracts for an indefinite period. Their mobility was not in the focus when establishing their AAS Regulations in 2007.

In the meantime several legal measures have been taken in order to promote mobility of the administrative staff.

In December 2010 the Board of Governors adopted an amendment of Article 7 of the AAS Regulations which allows AAS members to apply in another school or in the Office of the Secretary-General for a post in the same or equivalent occupational category without losing his/her seniority (Article 7.4 of the AAS Regulations). Moreover, Article 7.5 of the AAS Regulations ensures that an AAS member applying for a higher post in another school will receive as initial step at least the step which gives at least his/her old salary. In so far also vertical mobility is promoted.

Nevertheless, the different salary scales linked to the date of entrance in the system of the European Schools remain an obstacle for the mobility, as in case of a transfer a new contract reflecting Annex II of the Service Regulations with the new school has to be foreseen.

Furthermore, the Board of Governors decided in December 2013 that a post can be published first internally in order to promote horizontal mobility of administrative staff within the system of the European Schools. Articles 5.5, 7.4 and 24 bis of the AAS Regulations were amended accordingly.

Despite these measures the mobility of members of the Administrative and Ancillary Staff between the schools and the schools and the Office of the Secretary-General remains an exception.

Finally, the Board of Governors adopted in December 2015 an amendment of the AAS Regulations introducing the function of ‘Accounting Officer’ in the AAS Regulations.

According to the new Article 23 bis the Administration Board of a School may - based on a proposal of the Director - decide to appoint a member of the Administrative and Ancillary Staff as ‘accounting officer’. This appointment can be temporary.

In fact, the Board of Governors decided in that meeting to limit the mandate of any AAS member being appointed as ‘Accounting Officer’ until the end of 2018.

Linked to this decision the Board of Governors decided to give to the Secretary-General the mandate to create the ‘Mobility Working Group’.

1. **Discussion in the Working Group**

With respect to the job rotation and mobility of the ‘Accounting Officers’ the Working Group recognised that the role and function of the ‘Accounting Officers’ will be addressed in the context of the second review of the Financial Regulations. The review might foresee besides a centralisation of the function of ‘Authorising Officer’ also a centralisation of the function of ‘Accounting Officer’. Depending on the outcome of the discussion of the Working group dealing with the review of the Financial Regulations the mobility of the ‘Accounting Officer’ needs to be addressed.

The members of the Working Group stressed that one obstacle for mobility remains the different treatment between AAS members recruited before 2007 who keep their acquired rights and are paid in accordance with Annex III of the AAS Regulations and those recruited as of April 2007 who are paid in accordance with Annex II of the Service Regulations

A first proposal to overcome at least the differences between Annex II and Annex III of the Service Regulations and to harmonize the two salary grids did not find the necessary support in the Budgetary Committee in March 2016.

Another option to limit this obstacle could be to entitle staff members who change the school and change in that moment their employer to keep their right to be paid in accordance with their previous rights. Obviously this would mean that these colleagues would be treated differently than candidates who apply from outside of the system of the European Schools. The Members of the Working Group came to the conclusion that – in analogy to Article 38 of the Service Regulations for Locally Recruited Teachers – administrative and ancillary staff members could keep their acquired rights when moving to another school or the Office of the Secretary-General.

Moreover, the members of the Working Group discussed possible incentives to promote mobility. Different from seconded staff members the members of the Administrative and Ancillary Staff do not receive a removal, installation or reinstallation allowance. Locally Recruited Teachers do receive at least a removal allowance.

In this context it was questioned whether such allowances should be foreseen only to promote mobility in the most sensitive areas or whether mobility packages should be envisaged for all members of the Administrative and Ancillary Staff who demonstrate mobility in the interest of the Service.

1. **Recommendations of the Working Group**
* The Working Group recommends that the mobility of ‘Accounting Officers’ has to be addressed in the light of the outcome of the Review of the Financial Regulation.
* Moreover, the Working Group recommends overcoming obstacles that hinder the mobility of Administrative and Ancillary Staff. One idea would be to maintain the acquired rights of those staff members, who are willing to change the school.
* Finally, the Working Group recommends to further discussing ‘mobility packages’ for AAS members who are willing to change the school in the interest of the service.
* Both ‘mobility measures’ could be reviewed after three years.
1. **Recapitulation**

So far mobility of staff was not in the focus of the human resources policy of the European Schools.

Nevertheless, several measures have been taken to overcome some obstacles hindering the mobility of the administrative staff among the schools.

Measures to enforce mobility have not been developed.

A first discussion concerning the mobility of Bursars took place in the Working Group dealing with the ‘Situation of the Bursars in the European Schools’.

The members of that Working Group agreed that a distinction should be made between seconded and locally recruited staff.

The limitation of the length of secondment or the extension of the length of secondment could be used as a measure to promote mobility of seconded staff.

This instrument (limitation of length of contract) has its legal limits with respect to labour contracts underlying the national law like this is the case for the members of the administrative and ancillary staff of the European Schools.

In line with the jurisdiction of the European Court of Justice the national labour laws of the hosting Member States only allow under very restricted conditions a limitation of contracts.

This means that the working group might have to focus on incentives promoting the mobility of locally recruited staff of the European Schools.

Moreover, the central planning concerning potential vacancies needs to be improved and staff members need to be informed well in advance about potential vacancies. In this context a centrally managed ‘job exchange’ could promote mobility.

Another idea to promote mobility could be to foresee ‘cross-function job assignments.

In public organizations, there is a tendency to isolate units from each other. This creates boundaries between functions which are in reality not so different. As a result, the organisation finds itself with many different post designations. For example, a secretary working in the accounting unit might prove very efficient in another department where the role doesn’t differ that much. Cross-function assignments help to take down these obstacles by allowing staff members to take responsibilities from another function. This promotes internal mobility within the organisation without the need of changing the employer. This type of mobility can be horizontal between staff members of the same or similar occupational function, but also vertical as means to prepare a staff member for a higher post. A potential candidate to a higher function, undertaking cross-functional tasks, would understand better the way other units operate. This trains people to have a global managerial approach. It also has a career enrichment aspect; motivation might go up as new assignments are taken. Managing the ‘cross-function process’ would be a managerial tasks off the Directors and the HR unit of the Office of the Secretary-General.

In any case mobility should not only be seen as a measure of fraud prevention.

Mobility should also be understood as a measure of personnel or career development.

1. **Opinion of the Budgetary Committee**

The Budgetary Committee expressed a favourable opinion regarding the content of the interim report and also endorsed the working group’s recommendations, as mentioned in points 1.c), 2.c), 3. a)..cc), 3.b).cc) and 4. c) of the document.

1. **Proposal**

The members of the Board of Governors are invited to discuss the Mid-Term Report and to provide the Working Group with further guidance.

1. 2013-10-D-23-en-2. [↑](#footnote-ref-1)
2. 2011-04-D-14-en-6. [↑](#footnote-ref-2)
3. 2016-09-D-4-en-4. [↑](#footnote-ref-3)
4. 2010-D-362-en-6. [↑](#footnote-ref-4)
5. 2009-D-422-en-5. [↑](#footnote-ref-5)
6. See documents : 2013-09-D-20-en-1, 2014-01-D-48-en-3, 2015-09-D-17-en-1 and 2016-09-D-10-en-2. [↑](#footnote-ref-6)
7. The number of transfers during the school year 2016/2017 is affected by the new Berkendael site at the European School, Brussels I. [↑](#footnote-ref-7)
8. 2016-05-D-11-en-1. [↑](#footnote-ref-8)
9. 2007-D-153-en-7. [↑](#footnote-ref-9)