

DECISION 21/2012/GB
OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE
ON MIDDLE MANAGEMENT STAFF

Adopted by the Governing Board
by written procedure
on 21 August 2012

THE GOVERNING BOARD,

Having regard to the Staff Regulations of officials of the European Union (hereafter SR) and the Conditions of employment of other servants of the European Union (hereafter CEOS) as laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, last amended by Council Regulation (EC, EURATOM) No 1558/2007 of 17 December 2007, and in particular Articles 2, 4, 5, 7, 29 and 44 thereof,

Having regard to Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA, and in particular Article 10(9)(f) thereof,

After consultation of the Staff Committee and in agreement with the European Commission pursuant to Article 110 of the SR,

Whereas:

- (1) The role and responsibilities of middle management staff should be laid down precisely.
- (2) A special trial period for newly-appointed middle managers should be introduced.

HAS ADOPTED THIS DECISION:

Article 1
Definitions

1. Middle management functions to which this decision applies are those of head of unit as referred to in Article 44(2) SR which involve the permanent and continuous management of an administrative structure as defined in paragraph 2;

This means that the functions of head of department and head of unit in CEPOL are covered by this decision.

These posts shall be filled at grades AD 9 to 12.

2. Departments and units are administrative structures that meet the following criteria:
 - they appear in CEPOL's official organisation chart approved by the Governing Board and
 - they are justified by an overall evaluation considering the size, the number of AD staff, the complexity and sensitivity of its tasks, the budgetary impact and a comparison to other units with similar tasks within the Agency and in other Agencies.

In the event of a change in the organisation chart, a net increase in management functions shall be justified and documented in the Staff Policy Plan.

Article 2
Role of middle managers

Heads of department and heads of unit shall demonstrate ability in human resources management or in financial management or both, as appropriate, as well as (where required) the specific knowledge or qualifications or both relevant to the particular post.

The role and responsibility of a head of department and head of unit shall include the following:

- issue guidelines for policies and actions to his/her department/unit on the basis of the mission statement and annual work programme of CEPOL. He or she shall define the department/unit work programme, coordinate work within the department/unit and with other departments/units and represent the department/unit at important meetings.
- act as the main channel for the exchange of information between senior management and the various members of the department/unit.
- be directly responsible for the management of the human resources of the department/unit and, where appropriate, its financial resources.

Article 3

Publication of a post and filling it

Where the post may be filled by the appointment of a temporary agent, the Director may decide (in no particular order):

- to publish externally and to launch a selection procedure in accordance with the decision on the engagement and the use of temporary agent for temporary agents who are recruited through an external selection procedure.

If the post is advertised externally, the Director shall publish the posts at one grade out of the grades AD 9 to AD 12.

- to re-assign a temporary agent to the post in the interest of the service pursuant to Article 7 (1) of the Staff Regulations provided that the duties of the post are appropriate to his or her grade, and that he/she already occupies a middle management post or has occupied such a post and not have ceased to exercise management duties because of insufficient managerial ability or voluntary opt-out in application of Article 7 (1) or (3) below.
- to advertise the post simultaneously in the Agency and in the Interagency Job Market, before making an external publication of the vacant post. However, in the case of simultaneous publication internally and in the Interagency Job Market, applications of the internal candidates shall be considered first.

If the post is advertised internally and in the Interagency Job Market, the Director shall publish it at a range of grades corresponding to the functions. The post shall be reserved to candidates of the same function group and whose grade is within this range of grades. Successful candidates shall be appointed at the grade held on their previous post in the Agency. For candidates of the Interagency Job Market, Article 32 of the Staff Regulations and CEPOL Governing Board decision concerning the criteria applicable to classification in grade and step on appointment or engagement shall apply concerning the classification in step.

Article 4

Eligibility

1. For temporary agents, if the post is published externally, the applicant to be appointed, must

- have been selected according to a selection procedure pursuant to Article 3 of Governing Board Decision 20/2012/GB on the engagement and use of temporary agents at CEPOL;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.
2. For temporary agents, if the post is published internally or in the Interagency Job Market or both, the Applicant to be appointed, must
- have been selected according to a selection procedure pursuant to Article 3 of Governing Board Decision 20/2012/GB on the engagement and use of temporary agents at CEPOL;
 - be in grade AD 9, AD 10, AD 11 or AD 12;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex I to this decision.

*Article 5
Training*

1. Newly appointed heads of department and heads of unit shall, if required, follow a management preparation course within three months of taking up their duties. Management courses listed in the Commission's/Agency's training catalogue and followed by an applicant during the five years prior to publication of the post may be validated by the appointing authority as management preparation courses.
2. As an alternative, the temporary agent may demonstrate to the appointing authority that he or she has already acquired the management qualifications required by successfully completing other training for management functions.

*Article 6
Management probation*

1. All those newly appointed to a head of department or a head of unit position without having served at least two years as a head of department or a head of unit, whether at CEPOL, in the European Institutions¹, bodies, offices or other Agencies (including new heads of department and heads of unit recruited following an open selection procedure), shall serve a special management trial period of nine months as a 'management probationer'.

The reporting officer shall be the jobholder's direct superior.

The final assessment shall be drawn up in writing and countersigned by the 'management probationer'. A 'management probationer assessment' sheet, covering final assessment, is provided in Annex II.

2. For temporary agents already in service, the final assessment as manager shall be drawn up before the end of the management probationary period. This assessment shall be attached to the next appraisal report provided for in Article 15(2) of the CEOS.

¹ Or two years as head of cabinet, or as an AD 13 / AD14 legal adviser in the Legal Service.

In exceptional circumstances, the management trial period may be extended by up to six months by the Authority Responsible for Concluding Contracts of Employment (AHCC), in order to give the probationer manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful (meaning at least one 'insufficient' in the assessment sheet), the AHCC shall propose reassignment to a non-management position.

3. For 'management probationers' newly recruited as temporary agents following an external selection procedure, the final assessment as manager shall be drawn up before the end of the management probationary period. This assessment of management ability does not replace the normal probation report provided for in Article 14 of the CEOS.

In exceptional circumstances, the management trial period may be extended by another three months by the AHCC, in order to give the probationer manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 12 months maximum) the probation is deemed to have been unsuccessful, the AHCC shall terminate the employment.

Article 7

Reassignment to a non-management position

Heads of department and heads of unit may be reassigned to a non-management position whilst keeping their grade.

Reassignment to a non-management position shall be distinguished from reassignment resulting from the procedure provided for in Article 51 of the Staff Regulations.

Reassignment to a non-management position shall be possible in the following cases:

1. Insufficient managerial ability as a head of department or head of unit

- 1.1. Reassignment following the trial period

A procedure for reassignment to a non-management position may occur following the end of the trial period for a newly appointed head of department or head of unit provided for in Article 6 (2).

- 1.2. Reassignment at any stage during a managerial career

A procedure for reassignment to a non-management position may occur at any stage when a head of department or head of unit is deemed not to have met the required management standards in two successive appraisal reports. Unmet standards means a 'poor' or an 'insufficient' in the report sheet, related to possible deficiencies in management ability.

Before a decision is taken, the case shall be further assessed by one staff member designated by the Director, who must have at least the same grade as the middle manager and shall not be in any conflict of interest. The "designated staff member" shall draw up conclusions.

Following the opinion of the "designated staff member", the final decision shall be taken by the Director.

2. In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of CEPOL, a head of department or head of unit may be reassigned to a non-management position.

Persons who were reassigned to a non-management position under the conditions as described in this paragraph, may be reassigned by the Director to head of department or head of unit posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

3. Voluntary opt-out

A head of department or head of unit may ask to be allowed to opt out of a management position at any stage during his or her career. The request shall include a detailed explanation of the reasons for wishing to opt out, and implies a formal acceptance of reassignment to a unit under the supervision of a head of department or head of unit. Where a staff member who has opted out under this paragraph subsequently reapplies for a management post he shall go through the standard selection procedure set out above.

*Article 8
Entry into force*

This decision shall take effect on the day following that of its adoption.

Done in Nicosia, 21 August 2012

For the Governing Board

*Zacharias Chrysostomou
Chair of the Governing Board*

ANNEX I
ABILITIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

The abilities referred to in Article 6 are the following:

I – The **core abilities** are:

- *General management* skills, including:
 - The ability to set and revise objectives for the department or unit within the overall strategic framework of CEPOL.
 - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the members of the team.
 - The ability to choose co-workers suited to the efficient pursuit of the department's or unit's objectives.
 - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the department's or unit's objectives.
 - The ability to motivate members of the team to achieve the desired results and also to enable them to achieve their objectives and greatest potential.
- *Communication* skills
 - Ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the team.
- *Interpersonal* skills
 - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with other departments and units and colleagues.
- *Negotiation* skills
 - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.

II - **Technical qualifications** include points of the following type:

- *Familiarity with administrative, financial and oversight issues*
 - Staff members must have a good knowledge of the administrative and financial circuits within CEPOL and, ideally, experience of them. Knowledge of the relevant procedures would clearly be an additional asset. A high degree of competence in handling budgetary resources could be of key importance, depending on the post in question.

III - **Specialist knowledge** comprises points such as:

- *Knowledge of Community policies, languages, legislation and programmes, where relevant to the post in question*

Occupying a head of department or a head of unit post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.

ANNEX II

MANAGEMENT PROBATIONER ASSESSMENT FINAL ASSESSMENT OF MANAGEMENT CAPACITIES FOR PROBATIONER [HEAD OF DEPARTMENT/HEAD OF UNIT]				
Ms/Mr : Start of the probation period: dd/mm/yy	Department/Unit: Staff in the Department/Unit:			
(1)				
Main tasks of the Department/Unit:			
Objectives:			
Performance indicators:			
(2)				
MANAGEMENT COMPETENCIES				
	Good	Average	Insufficient	Motivation
Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management of people (i.e. capacity to motivate and delegate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fixing objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delivery of results (where appropriate, management of finance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication (and where appropriate, negotiating skills)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)				
Opinion of the [reporting officer]:				
<input type="checkbox"/> <input type="checkbox"/> Successful		<input type="checkbox"/> Unsuccessful		
.....				
.....				
Date:	Signature:			
(4)				
Probationer [head of department/head of unit]:				
Date:	Signature:			
(5)				
Recommendation to the appointing authority (only for final assessment)				
<input type="checkbox"/> <input type="checkbox"/> Establishment as Head of Department/Head of Unit				
<input type="checkbox"/> <input type="checkbox"/> Prolongation of the trial period.				
<input type="checkbox"/> <input type="checkbox"/> Re-assignment to a non-management position				
<input type="checkbox"/> <input type="checkbox"/> Termination of contract				
Date:.....	Signature:.....			
<i>Director</i>				