

Wiltshire Council

Cabinet

3 July 2018

Subject: Proposed Changes to the Senior Management Structure

Cabinet member: Cllr Baroness Scott of Bybrook OBE - Leader of Council

Key Decision: No

Purpose

1. The purpose of this report is to seek Cabinet's approval to take steps to make changes to the senior management structure of the council at tier 1 following the decision to reconsider the appointment of the fourth Corporate Director role, which was to be a joint post with Wiltshire CCG, and following discussion with the current Corporate Directors.

Background.

2. In June 2017 Cabinet approved proposals to make changes to the senior management structure in response to the new business plan, and the need for increased strategic capacity in light of the priorities in the plan.
3. The structure, which is based on a four corporate director model, was implemented in August 2017 following the redeployment of an existing Corporate Director to one of the roles and the appointment of two new Corporate Directors. This four Corporate Director model is based on the following alignment of service responsibilities:
 - Children & Education (statutory Director of Children's Services (DCS))
 - Adult Social Care & Health (joint statutory Director of Adult Social Services (DASS) and Chief Accountable Officer for the CCG)
 - Growth, Investment & Place
 - Communities, Resources & Digital, Returning Officer (RO) and Electoral Registration Officer (ERO))
4. The role of Corporate Director, Adult Social Care & Health, which is the joint statutory Director of Adult Social Services (DASS) and Chief Accountable Officer for the CCG, has remained vacant since the new structure was implemented while discussions with the CCG and National Health England (NHSE) have continued with the aim of agreeing the joint responsibilities of the role, and to ensure that a legal framework is in place to support the role in discharging the joint statutory responsibilities.
5. We had made good progress with these discussions and were anticipating being able to advertise the role shortly. However, we have recently been made aware of the publication of a Government green paper which may occur in July to coincide with the 70th anniversary of the NHS.

6. Whilst the contents of this paper are currently unknown, we are aware that it is likely to focus on the continuation of collaborative working to integrate health and social care services. It is also anticipated that the green paper will provide clarity on the future direction for NHS commissioning; particularly commissioning by CCGs of health services. It is on this basis that we have agreed with the CCG that we will not progress with the appointment to the joint Corporate Director role.
7. It is extremely disappointing that we cannot proceed with this role due to the impending changes being made by NHS England, but our aim to integrate health and care services remains a priority for the council and Wiltshire continues to make great strides towards achieving an integrated approach.
8. We will continue to work with our health partners and have a strategy based on joint ambitions for health and social care across the county to meet the growing pressures on these services, and the rise in the number of older people. Partnership working and the delivery of joint services will be vital if we are to continue manage the increasing demand, and a key focus of the discussions about the joint role have been based on achieving an integrated approach to health and care services in Wiltshire. As a result we will continue to look at the possibility of a joint post to build on what we have achieved already, but as outlined this will not be a Corporate Director role.

Main considerations for Cabinet

9. As a result of the on-going discussions about the joint role an interim senior management structure has been in place since August 2017 to ensure leadership capacity has been in place to deliver adult social services, and the adult social care transformation programme that has been underway since early 2017. As a result of the decision not to recruit to the joint role I have reviewed the structure and I am now proposing some changes to alignment of services in the top tiers.
10. The interim structure has been successful and has continued to deliver significant outcomes for the council, and to meet all of the financial challenges. As a result I am proposing that interim structure of three Corporate Directors becomes the permanent structure. This proposal continues to align with the business plan priorities and is providing the resilience and strategic capacity needed at the top tier of the council.
11. The proposed structure, which outlines how services and statutory responsibilities will align with the proposed three corporate director model, is shown in appendix 1 and is based on the following alignment:
 - I. Children & Education (statutory Director Of Children's Services (DCS))
 - II. Adult Social Care & Public Health (statutory Director Of Adult Social Services (DASS), Returning Officer (RO) and Electoral Registration Officer (ERO))
 - III. Growth, Investment & Place
12. The development of this proposal has also resulted in a review of the alignment of the Directors currently under the line management of the Corporate Director, Communities, Resources & Digital as this Corporate Director role will no longer be required based on the proposed structure at tier 1. As a result I have sought HR advice about the implications of this, and whether the proposed structure would provide an opportunity for mutual agreement on the variation to the role descriptions

for the Corporate Directors to reflect the changes proposed.

13. In particular I have sought advice about the statutory role of DASS, and the guidance about the role and responsibilities that apply to this role to ensure these requirements would not impact on my ability to mutually agree the variation to the role descriptions for the Corporate Directors to reflect the proposed changes, and therefore the retention of all of the current Corporate Directors. I am clear that the senior leadership capacity should match the scope of the Corporate Director roles that I am proposing, including the proposed statutory responsibilities at tier 1, but I am also clear that any changes to the senior management structure at tier 1 should involve the least possible disruption to the organisation. This is particularly as the current senior management structure is less than 12 months old, there have been several new appointments in the senior leadership team, and some Director posts at tier 2 are still vacant.
14. The HR advice has reassured me that the existing Corporate Directors have the leadership skills and knowledge to fulfil the Corporate Director roles based on the proposed alignment of Directors in the senior management structure and the designation of the statutory roles, including the statutory requirements of the DASS.
15. The [ADASS guidance](#) published in 2017 to support the application of the statutory guidance that was last updated in 2006, takes account of the changing structures in local authorities in light of both the changing demand, the move to more integrated services and the financial impact, and gives clear advice about the role, how its functions should be discharged and where the role should sit in the organisations structure.
16. The advice is that this statutory role should be a Chief Officer at first tier, consistent with the DCS, and that there is a single officer responsible for adult social services. The guidance recognises that the DASS may not come from a social work background so outlines some requirements that councils should ensure when making an appointment. Principally these concern effective leadership across systems and of the social care workforce, the mitigation and management of risks associated with adult social services and that they are aware of the legal framework within which they work, and their obligations. The HR advice, based on this guidance, is that our structure, and the director roles that will report to the DASS, has the capability and the effective systems in place to support the DASS in the discharge of the statutory functions.
17. In my proposal the statutory responsibility for children's social care (DCS) will remain designated to the Corporate Director, Children & Education, and for adult social services (DASS) it will be designated to the Corporate Director, Adult Care & Public Health, who will also have statutory responsibility as the Returning Officer and Electoral Registration Officer (ERO).
18. In reviewing the alignment of the Directors I have considered carefully the role of the Directors who have statutory responsibility as the Monitoring Officer, Section 151 Officer and Head of Paid Service, and in particular how the statutory duties of these Directors are discharged. I have concluded that as these roles are the collective responsibility of the whole leadership team that they should operate with a degree of independence in the structure.

19. I am therefore proposing that the Directors with responsibility for these three statutory roles, should work on a matrix management basis as part of the Corporate Leadership Team (CLT) to provide the Corporate Directors with appropriate professional advice and challenge in the discharging of the statutory responsibilities. As members of CLT they will also attend meetings of Cabinet Liaison and Cabinet. To support the effectiveness of this matrix approach I am also proposing that the administrative line management of these Directors is based on each Corporate Director having responsibility for one, as outlined in the proposed structure (appendix 1).
20. The remaining Directors will form the extended Corporate Leadership Team and will attend Corporate Leadership Team meetings as appropriate. Directors will continue to have specific service related accountabilities but the principal accountability for all members of the extended Corporate Leadership Team will be for contribution to the overall council priorities and delivery of the business plan.
21. I am also proposing a change in the alignment of the Director, Communities & Communications to report to the Corporate Director, Children & Education and the Director, Corporate Functions & Digital to the Corporate Director, Growth, Investment & Place. This provides a better balance of direct reports across the three Corporate Directors and ensures alignment with the relevant Director with statutory responsibilities where joint working is needed.
22. The service responsibilities, currently assigned to Directors, will remain unchanged with the exception of the role of Senior Risk Information Owner (SIRO) which I am proposing will be assigned to the Director, Corporate Functions & Digital.
23. The designation of statutory roles must be approved by Council and the constitution amended accordingly.
24. I have discussed my proposal with the Corporate Directors, who are fully supportive and, if this is approved by cabinet, my intention is that following further informal consultation on the proposal with the Corporate Directors, I will update the role descriptions for the Corporate Directors to reflect the change in service responsibilities, and to reflect their joint responsibility for the Directors with statutory responsibility for the Monitoring Officer, Head of Paid Service and Section 151 Officer. I will then take steps to mutually agree with the Corporate Directors a variation to their role descriptions, and therefore the responsibilities of the Corporate Director roles.
25. The new proposed structure, if approved by Cabinet, will be implemented once Council have approved the designation of the statutory roles at their meeting on 10 July 2018.

Overview and Scrutiny Engagement

26. Overview and Scrutiny will have the opportunity to comment about the proposal as part of the consultation with the Corporate Directors and staff and will be kept informed about the implementation.

Safeguarding Considerations

27. The proposed changes to the structure maintains separate statutory responsibility for Adult Social Services and Children's Social Care, and the expectation that all Corporate and Directors have a role in promoting safeguarding within their specific areas continues.

Public Health Implications

28. There are no public health implications as a result of the proposals outlined.

Environmental and Climate Change Considerations

29. There is no environmental or climate change impacts as a result of the proposals.

Equalities Impact of the Proposal

30. There is no equalities impact as a result of the proposals outlined. The council has in place robust policies and procedures to support change to structures all of which have been subject to an equalities impact assessment.

Risk Assessment

31. In proposing the senior management re-structure a number of risks have been considered, namely:

- I. **Financial risks**, details in paragraphs 33 - 34
- II. **Legal risks**, details in paragraph 35
- III. **Delivery of the business plan:** The risk is that if the new structure is not implemented the council may not be able to deliver the business plan (2017 – 2021).

The business plan (2017 – 2021) outlines the council's vision and four new priorities against which a number of goals outline how these priorities will be delivered. This relies on the council having a strong and resilient structure with strategic capacity and capability at the top of the organisation, and will need to ensure services are aligned in a way that that supports the three Corporate Director model to deliver these priorities.

- IV. **Short term impact on delivery:** There is no short term risk as the proposal means that the current Corporate Directors remain in place, which minimises disruption and provides stability to what is a relatively new senior management structure.

32. Based on the risks outlined above the overall risk is assessed as low, but will be kept under review.

Financial Implications

33. The 2018/19 base budget approved by Council in February 2017 allows for a gross pay budget of £0.810m for 3.5 fte Corporate Directors roles at, at least mid-grade

point and other associated costs.

34. As the joint Corporate Director role post was jointly funded by the Council and CCG this proposal will mean a saving of 0.5fte, however some of this saving may be required to fund a joint post which will continue to develop an integrated approach to health and care services in Wiltshire and to ensure we continue to have the leadership capacity needed to continue to support delivery of the business plan.

Legal Implications

35. Legal advice will be provided to ensure that the proposed new structure is implemented lawfully, and in accordance with the requirements of the council's policies and procedures, and the constitution.

Options Considered

36. The other option considered was to retain a four Corporate Director model, with steps taken to recruit to the vacant post. However, the rationale for the fourth joint role was the opportunity to further develop the collaboration with partners and to work more jointly with the CCG, which resulted in this role being developed. As outlined in paragraphs 5-7 a Government green paper, potentially in July, to coincide with the 70th anniversary of the NHS, is likely to focus on the continuation of collaborative working to integrate health and social care services and, it is anticipated that the green paper will provide clarity on the future direction for NHS commissioning; particularly commissioning by CCGs of health services. It is as a result of this that we have agreed with the CCG not to appoint to the joint corporate director role and as a result the rationale for this fourth Corporate Director no longer applies.

Proposals

37. I am proposing that cabinet approve:

- I. The proposed changes to the structure of the council at the top tier (Corporate Director), and as outlined in appendix 1 and paragraphs 10 & 11.
- II. The designation of the statutory Director of Adult Social Services to the Corporate Director Adult Care & Public Health and as outlined in paragraph 17.
- III. The proposed change to the role of the Directors with statutory responsibility for Monitoring Officer, Head of Paid Service and Section 151 Officer and as outlined in paragraphs 18 & 19 and in appendix 1.
- IV. Approve the proposed alignment of the Director, Communities & Communications and Director, Corporate Functions & Digital as outlined in paragraph, and as outlined in paragraph 21.
- V. The designation of the Senior Responsible Information Owner (SIRO) to the Director, Corporate Functions & Digital, and as outlined in paragraph 22.

38. If approved I propose that cabinet note that:

- I. Further discussion about changes to the structure with the Corporate Directors, and relevant Directors, will start immediately.
- II. That following discussion and mutual agreement with the Corporate Directors, and relevant Directors, on changes to their role descriptions, the structure will be implemented.

Baroness Jane Scott of Bybrook, OBE
Leader of the Council

Appendices

Appendix 1 – Proposed tier 1 structure