

APPOINTMENTS FOLLOWING CHANGES TO THE SENIOR MANAGEMENT STRUCTURE

Purpose of the Report

1. The purpose of this report is to present the Officer Appointments Committee with proposed candidates recommended for appointment into the following posts on the grounds of suitable alternative employment:
 - Chief Executive Officer – People
 - Chief Executive Officer - Place

Background

2. In a report to Cabinet on 19 November 2019 the Leader set out a proposal to change the senior leadership structure at tier 1. The proposal was to reduce the number of Executive Directors from three to two, with one responsible for People services and one for Place services.
3. The rationale for the proposal was set out in the report and aimed to place an increased focus on People and Place and to ensure the two Executive Directors would have both the capacity and resilience to enable more focus on strategic planning and less focus on strategic delivery and operational oversight, which was the position.
4. The proposal was discussed with the three Executive Directors prior to the report to Cabinet and they agreed that the current structure needed to change. They also agreed that more capacity was needed to enable them to focus on working with Cabinet on strategic planning, and that the overlap in some service delivery across adult and children's social care needed to be addressed.
5. In the proposal Adult Social Care, Children & Families and Education and Public Health would be brought together under one Executive Director for People to remove overlap in the strategic planning and in some areas of service delivery and to enable the increasing synergies in these areas to develop. In addition, the proposal would allow a single and consistent relationship with partners rather than relationships in each area operating separately.
6. Cabinet approved the proposal and as a result formal consultation with the three Executive Directors commenced.

Main Considerations

7. Formal consultation with the Executive Directors on the proposed change to the tier 1 structure commenced on Tuesday 19 November 2019 and concluded on Wednesday 27 November 2019. The consultation also provided an opportunity for all staff to feedback on the structure and to provide alternative proposals. Having considered all the feedback, the final structure was confirmed on Friday 29 November 2019.

(Appendix 1).

8. The confirmed structure reduced the number of Executive Directors from three to two, with a change to the jobs title because of the feedback received to Chief Executive Officer, one for People and one for Place.
9. The Appointments Policy for Chief and Senior Officers outlines the process for appointing to roles following changes to a structure and contains the criteria for ownership of a role in the new structure, and for redeployment where a suitable alternative role is identified.
10. The criteria for ownership of posts when there is a re-structure means that ownership can only apply where a role is exactly the same as the current role. Because of the changes to the structure, the change in duties and responsibilities in relation to the Chief Executive Officer roles meant that none of the current Executive Directors owned a role in the new structure and were therefore displaced.
11. Where there is no ownership of a role in a new structure, and an employee is displaced, steps to identify roles that are suitable alternative employment are taken. Suitable alternative employment applies where a post in a new structure requires similar skills and knowledge to the employees' current role. Where suitable alternative employment is identified and agreed with the employee, a process of redeployment takes place.
12. The Chief Executive Officer roles were identified as suitable alternative employment for all the current Executive Directors. However, one of the Executive Directors asked for consideration to be given to an application for voluntary redundancy and in line with our policy he was given the opportunity to apply for voluntary redundancy rather than engage in a competitive process for these roles. This application was accepted and a report to the Senior Officers Employment Sub Committee to approve the termination of the employment of this Executive Director will be presented on 19 December 2019.
13. The two Chief Executive Officer roles have therefore been confirmed as suitable alternative employment for the other two Executive Directors and this has been agreed with the employees concerned. As a result, a recommendation to redeploy the affected employees is outlined in the part 2 confidential reports which are available in appendices 2 & 3.
14. The role descriptions for the roles identified as suitable alternative employment are attached at appendices 4 & 5.

Overview and Scrutiny Engagement

15. No engagement is required as the recommendations in this report are a staffing matter.

Safeguarding Considerations

16. Because of changes to the senior management structure the Director of Children's Services (DCS) and the Director of Adult Social Services (DASS) will be designated to appropriate Director roles at tier 2 but will report to the Chief Executive Officer for People who will be accountable to the Council for the performance of these statutory roles and will provide line management to both. There is also an expectation that both Chief Executive Officers will have a role in promoting safeguarding within their specific areas of responsibility.

17. The designation the statutory roles of DASS and DCS to Director roles at tier 2 will require a review of roles and responsibilities of some Director roles to ensure compliance with the statutory guidance, and this review will be the responsibility of the two Executive Directors following discussion and agreement with the Head of Paid Service, and after consultation with the Leader and Cabinet.
18. Pending this review, the statutory roles of DCS and DASS will be temporarily designated to the Chief Executive for People

Public Health Implications

19. There are no public health implications because of the new tier 1 senior management structure.

Environmental and Climate Change Considerations

20. There is no environmental or climate change impacts because of the new tier 1 senior management structure.

Equalities Impact of the Proposal

21. There is no equalities impact because of the new tier 1 senior management structure. 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

22. If appointment into the changed posts is not confirmed the affected employees will be at risk of redundancy.
23. In all cases suitable alternative employment has been demonstrated so there would be a risk of claims for unfair dismissal if redeployment is not confirmed. In addition there would be a loss of the skills, knowledge and experience required for the posts.

Financial Implications

24. The new tier 1 structure contains 2 Chief Executive Officer roles which is a reduction of 1 post compared with the current structure. This is a potential saving of the salary for one Executive Director role. However, a review of the salary for the new Chief Executive Officer roles has been carried out in line with the Council's Pay Policy Statement, and any increase in salary because of this review will reduce the amount of saving.
25. There will be significant financial implications if due to the changes to the posts they are not considered to be suitable alternative employment. In these circumstances the displaced employees would be placed at risk of redundancy and if redundant a redundancy payment would be due.
26. In addition, any successful claim for unfair dismissal could cost the council a maximum of £86,444 per employee.

Legal Implications

27. The proposed appointments outlined in this report, and in the appendices, are in line with the Appointment Policy & Procedure for Chief and Senior Officers and the associated risks of not approving these proposals are outlined above.

Options Considered

28. The Appointments Policy & Procedure for Chief and Senior Officers outlines the process for appointing staff to posts following a change to a structure. This process has been followed and therefore there were no other options to consider.

Conclusion

29. The Appointments Policy & Procedure for Chief and Senior Officers provides a clear and agreed process for appointing staff to posts following re-structure, and this process has been followed.

Proposals

30. It is proposed that the Officer Appointments Committee approve appointments to the following posts:

- Chief Executive Officer – People
- Chief Executive Officer - Place

31. These appointments will be subject to consultation with the leader and cabinet members in accordance with paragraph 5(2) of the Officer Employment Procedure Rules.

Reason for the Proposals

32. The reasons for these proposals are outlined in paragraphs 2 – 13.

Joanne Pitt
Director HR & OD
10 December 2019

Report Author: Joanne Pitt, Director HR & OD

Appendix 1 - New tier 1 senior leadership structure chart

Appendix 2 - Part 2 report recommending appointment to Chief Executive Officer – People

Appendix 3 - Part 2 report recommending appointment to Chief Executive Officer - Place

Appendix 4 - Role description for Chief Executive Officer – People

Appendix 5 - Role description for Chief Executive Officer - Place