

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:
 - Director of Communities and Neighbourhood
 - Director of Legal and Governance
 - Director of ICT, Digital and Organisational Innovation

Background

2. Following the tier 1 review, agreed by Cabinet on 19 November 2019 and implemented on 13 January 2020, the Chief Executive Officers for People and Place, working with the Leader and Deputy Leader, consulted on changes to the wider senior management structure.
3. The aim of the proposed structure was to align services under People and Place to enable opportunities to work more effectively together, and to ensure that resources were in the right place to effectively deliver for communities.
4. Consultation on the changes to the senior management structure took place on 28 February 2020 and, following a period of feedback and review, a final structure was confirmed on 13 March 2020 (see Appendix 1 – confirmed senior management structure).
5. This new structure resulted in a number of deleted or significantly changed posts at tier 2 (Director) and tier 3 (Head of Service) of the organisation, as well as some new posts within the structure (see Appendix 2 – posts impacted at tiers 2 and 3).

Main Considerations

6. 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.
7. 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.
8. Because of the changes to the structure, there was a significant change in duties and responsibilities in relation to the existing posts of:
 - Director of Legal, Electoral and Registrations (LSL2-1249)
 - Director of Communities and Neighbourhood Services (LSL2-1608)
 - Director of Digital, Data and Technology (LSL2-1607)

which meant that the postholders currently in these positions did not own a role in the new structure and were therefore displaced.

9. 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.

10. The three new posts of

- Director - Legal and Governance
- Director - Communities and Neighbourhood
- Director - ICT, Digital and Organisational Innovation

were confirmed as suitable alternative employment for the displaced postholders 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 3, 4 and 5.

11. The role descriptions for the roles identified as suitable alternative employment are attached at appendices 6, 7 and 8.

Overview and Scrutiny Engagement

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

Safeguarding Considerations

13. There are no safeguarding considerations because of this recommendation.

Public Health Implications

14. There are no public health implications because of the new senior management structure.

Environmental and Climate Change Considerations

15. There are no environmental or climate change impacts because of the new senior management structure.

Equalities Impact of the Proposal

16. There is no equalities impact because of the new 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

17. If appointment into the changed posts is not confirmed the affected employees will be at risk of redundancy.

18. 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

19. 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.
20. There would also be pension strain costs associated with enabling any displaced employees over the age of 55 to access their pension. This would apply to one of the three displaced employees.
21. In addition, any successful claim for unfair dismissal could cost the council a maximum of £86,444 per employee.

Legal Implications

22. 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

23. 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

24. 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

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

- Director - Legal and Governance
- Director - Communities and Neighbourhood
- Director - ICT, Digital and Organisational Innovation

26. 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

27. The reasons for these proposals are outlined in paragraphs 2 – 11.

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- Appendix 1** Confirmed senior management structure
- Appendix 2** List of posts impacted at tiers 2 and 3
- Appendix 3** Part 2 report recommending appointment to Director - Legal and Governance
- Appendix 4** Part 2 report recommending appointment to Director - Communities and Neighbourhood
- Appendix 5** Part 2 report recommending appointment to Director - ICT, Digital and Organisational Innovation
- Appendix 6** Role description LSL2-1829 Director - Legal and Governance
- Appendix 7** Role description LSL2-1830 Director - Communities and Neighbourhood
- Appendix 8** Role description LSL2-1831 Director - ICT, Digital and Organisational Innovation