

APPOINTMENT FOLLOWING SENIOR MANAGEMENT RESTRUCTURE

Purpose of the Report

1. The purpose of this report is to present the Officer Appointments Committee with a proposed candidate recommended for appointment into the Chief Executive post on the grounds of suitable alternative employment.

Background

2. In a report to Cabinet on 9 June 2020 the Leader set out a proposal to change the senior leadership structure at tier 1. The proposal was to reduce the number of Chief Executive Officers from two to one Chief Executive.
3. The proposal was made despite the success of the relatively new two chief executive model which was based on People and Place, and the way in which this model had supported the Council response to COVID-19. This shared responsibility enabled a focus on supporting those who have been in need and vulnerable during this emergency as well as supporting businesses with the aim of minimising the impact of this pandemic on Wiltshire's economy. However, the response also highlighted some duplication of work by the Chief Executive Officers as they sought to make decisions jointly on areas of work and in their collaboration with partners.
4. Planning to help Wiltshire people, economy and businesses rebuild is underway and this includes steps to address the significant impact that the response has had on Council services and finances. Existing strategies, priorities and the structure of the Council will need to be refocused to reflect the radically changed context brought by the pandemic.
5. In discussion with the Leader the Chief Executive Officers recognised that recovery from the pandemic would be the Council's overriding priority. In this discussion they suggested that as a result of this, the duplication in their roles and the significant financial pressures, a change to the structure to reduce the top tier to one Chief Executive would provide a focal point of officer leadership at the top of the organisation to lead recovery.
6. The Leader considered this suggestion in the context of the challenges and scale of the task that the council now faces in recovering from the impact of COVID-19, and the financial pressures that have resulted from this and as a result proposed to Cabinet that the top tier be reduced from two Chief Executive Officers to one Chief Executive.
7. In the proposal the Chief Executive will also be designated the statutory roles of Electoral Registration Officer (ERO) and Returning Officer (RO) and this designation will be temporary pending the approval of Council. In addition, the Chief Executive will become the statutory Head of Paid Service. This is a change from the current designation of this statutory role to the Director HR & OD. If the appointment to Chief Executive is approved by the Officer Appointments Committee with no objections from Cabinet Members, the designation of this statutory role will remain with the Director of

HR&OD pending approval of the change in designation by Council, following which the constitution will be amended accordingly.

8. Cabinet approved the proposal on 9 June 2020 and as a result formal consultation with the two Chief Executive Officers commenced.

Main Considerations

9. Formal consultation with the Chief Executive Officers on the proposed change to the tier 1 structure commenced on Tuesday 9 June 2020 and concluded on Tuesday 16 June 2020. The consultation also provided an opportunity for all staff to provide feedback on the structure and suggest alternative proposals. Having considered all the feedback, the final structure was confirmed on Wednesday 17 June 2020.
10. The confirmed structure reduced the number of Chief Executive Officers to one Chief Executive.
11. 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.
12. The criteria for ownership of posts when there is a re-structure means that ownership can only apply where a role is 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 role meant that neither of the current Chief Executive Officers own the new role and both were therefore displaced.
13. 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 and is at the same or similar level. Where suitable alternative employment is identified and agreed with the employee, a process of redeployment takes place.
14. The Chief Executive role was identified as suitable alternative employment for both Chief Executive Officers. However, one of the Chief Executive Officers 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 by the Leader and a report to the Senior Officers Employment Sub Committee recommending that termination of the employment of this Chief Executive Officer is approved will be presented on 26 June 2020.
15. The Chief Executive role has therefore been confirmed as suitable alternative employment for the other Chief Executive Officer, and this has been agreed with the employee concerned. As a result, a recommendation to redeploy the affected employee is outlined in the part 2 confidential report which is available in appendix 1.
16. The role description for the Chief Executive role identified as suitable alternative employment is attached at appendix 2.

Overview and Scrutiny Engagement

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

Safeguarding Considerations

18. The statutory Director of Children's Services (DCS) and the Director of Adult Social Services (DASS) are designated to Director roles at tier 2 and they will report to the Chief Executive 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 the Chief Executive will have a role in promoting safeguarding within their specific areas of responsibility.

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 role of Chief Executive is not confirmed the affected employee will be at risk of redundancy.

23. 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 post.

Financial Implications

24. The new tier 1 structure contains a single Chief Executive role which is a reduction of 1 post compared with the current structure. This is a potential saving of the salary for one Chief Executive Officer role of approx. £244k.

25. There will be significant financial implications if due to the change to the structure that the role of Chief Executive is not considered to be suitable alternative employment. In these circumstances the displaced employee 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 £88,519.

27. It has been agreed with the employee concerned that there will be no review of the salary band for the new role so the salary band for the current Chief Executive Officers will apply.

Legal Implications

28. The proposed appointment outlined in this report, and in appendix 1, is in line with the Appointments Policy & Procedure for Chief and Senior Officers and the associated risks of not approving these proposals are outlined above.

Options Considered

29. 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

30. 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

31. It is proposed that the Officer Appointments Committee approve the appointment to the Chief Executive post.

32. This appointment 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

33. The reasons for these proposals are outlined in paragraphs 2 – 16.

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Appendix 1 - Part 2 report recommending appointment to post of Chief Executive
Appendix 2 - Role description for Chief Executive