

APPOINTMENTS FOLLOWING SENIOR MANAGEMENT RESTRUCTURE

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 roles on the grounds of suitable alternative employment.
 - i. Corporate Director - People
 - ii. Corporate Director - Resources & Deputy Chief Executive

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 resulted in the implementation of a Chief Executive role.
3. The report to Cabinet acknowledged that the new structure, which included 15 direct reports for the Chief Executive, would need to be reviewed to ensure that it provides the Chief Executive with the capacity to focus on strategic leadership and on leading recovery. This review has been the responsibility of the Chief Executive, who has consulted on changes to the structure with the Leader and Cabinet.
4. Pending this review an interim structure of two Corporate Directors, one for People and one for Resources, was implemented in September 2020 to ensure enough strategic capacity has been in place to support the Chief Executive to focus on the response to the pandemic and as we move into recovery.
5. A further change to the interim structure was made in December 2020 with the addition of a Corporate Director for Place to provide additional strategic capacity and focus on the support that has been, and will continue to be, required for the Wiltshire economy and businesses while Covid restrictions are in place, and as the plans to recover are developed.
6. The Chief Executive has now confirmed this structure will become permanent after reviewing the interim arrangements as part of a renewed focus on recovery now that the Governments roadmap to end Covid restrictions has been announced.
7. The change to the structure means that two roles in the current structure are deleted. These are:
 - i. Director of Children's Services
 - ii. Director Finance & Procurement
8. In the new structure the Corporate Director - People will be designated the statutory role of Director of Children's Services and the Corporate Director - Resources & Deputy Chief Executive will be designated the statutory role of Section 151 Officer.
9. The Chief Executive has also confirmed that a wider review of the senior leadership structure at tiers 2 & 3 will be undertaken by the Corporate Directors once

appointments to these roles have been confirmed to ensure the senior structure of the council is aligned to the programme of recovery so that service delivery is focused on the needs of our residents, their communities and Wiltshire's economy.

10. Until the wider review of the senior leadership structure is complete, and a decision is made on where the statutory role of Director Adult Social Services is designated, the Corporate Director - People will temporarily assume this role.

Main Considerations

11. Formal consultation with the two members of staff whose roles have been deleted has now taken place.
12. 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.
13. 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 new roles of Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive do not meet the criteria for ownership and therefore the two members of staff whose roles have been deleted were displaced.
14. 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.
15. The Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive roles have been identified as suitable alternative employment for the two displaced staff. As a result, recommendations to appoint the affected employees to these roles are outlined in the part 2 confidential reports which are available in appendix 1 and appendix 2.
16. The role descriptions for the Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive roles identified as suitable alternative employment are attached in appendix 3 and appendix 4.

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) is designated to the Corporate Director - People, and for an interim period while a wider review of the senior leadership structure is undertaken the statutory role of Director Adult Social Services (DASS) will also be designated to the Corporate Director - People. The role of Corporate Director - People reports to the Chief Executive who is accountable to the Council for the performance of these statutory roles.

Public Health Implications

19. There are no public health implications because of the changes to the senior management structure.

Environmental and Climate Change Considerations

20. There is no environmental or climate change impacts because of the changes to the senior management structure.

Equalities Impact of the Proposal

21. There is no equalities impact because of the new 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 roles of Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive are not confirmed the affected employees 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 these posts.

Financial Implications

24. The new structure will consist of a single Chief Executive, 3 Corporate Directors and 13 Directors. The cost of this structure is £2,650,800.00 and this is a 14% reduction when compared to the cost of the senior structure in January 2020, which was £3,027,800.00.

25. There will be significant financial implications if due to the change to the structure that the roles of Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive 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 £88,519 per employee.

Legal Implications

27. The proposed appointments outlined in this report, and in appendices 1 and 2, are 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

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 the appointment to the roles of Corporate Director - People and Corporate Director - Resources & Deputy Chief Executive.

31. These appointments are to 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 – 16.

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Appendix 1 - Part 2 report recommending appointment to post of Corporate Director - People

Appendix 2 - Part 2 report recommending appointment to post of Corporate Director - Resources & Deputy Chief Executive

Appendix 3 - Role description for Corporate Director - People

Appendix 4 - Role description for Corporate Director - Resources & Deputy Chief Executive