

## **Wiltshire Council**

### **Officer Appointments Committee**

**17 February 2023**

---

#### **APPOINTMENT 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 a proposed candidate recommended for appointment into the following post on the grounds of suitable alternative employment:
  - LSL2-2434 Director of Adult Social Care (DASS)

##### **Background**

2. Following the resignation of the Director - Wholelife Pathway postholder the Corporate Director – People undertook a review of the senior management structure of the Adult Social Care directorate.
3. With agreement from the Leader and the Portfolio Holder the decision was made to delete the posts of:
  - Director - Wholelife Pathway
  - Director – Ageing and Living Well

and to create a new post of:

- Director – Adult Social Care

to have oversight for the whole of the Adult Social Care directorate.

4. The decision to have a single Director for Adult Social Care, who also holds the statutory post of DASS, was taken to support clear strategic oversight across complex and connected functions; provide clear lines of responsibility, inspection readiness and progress and planning of transformation activities.
5. The Director – Ageing and Living Well was the only postholder directly impacted by the change to this structure.
6. Formal consultation took place with the postholder on 1 February 2023, following which the new structure was confirmed on 8 February 2023 (see Appendix 1 – confirmed senior management structure – People Directorate).
7. A report will be taken to Full Council on 21 February 2023 to confirm the designation of the statutory post of DASS to the post of Director – Adult Social Care.

## **Main Considerations**

8. 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.
9. 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.
10. Because of the changes to the structure, there was a significant change in duties and responsibilities in relation to the existing post of:
  - LSL2-2083 Director - Ageing and Living Well

which meant that the postholder currently in the position did not own a role in the new structure and was 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 new post of
  - LSL2-2434 Director – Adult Social Care (DASS)was confirmed as suitable alternative employment for the displaced postholder and this has been agreed with the employee concerned.
13. As a result, a recommendation to redeploy the affected employee is outlined in the part 2 confidential report attached at appendix 2.
14. The role description for the role identified as suitable alternative employment is attached at appendix 3.

## **Overview and Scrutiny Engagement**

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

## **Safeguarding Considerations**

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

### **Public Health Implications**

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

### **Environmental and Climate Change Considerations**

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

### **Equalities Impact of the Proposal**

19. 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**

20. If appointment into the changed posts is not confirmed the affected employee will be at risk of redundancy.
21. As suitable alternative employment has been demonstrated 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**

22. 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.
23. In addition, any successful claim for unfair dismissal could cost the council a maximum of £93,878 per employee.

### **Legal Implications**

24. 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**

25. 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**

26. 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**

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

- Director – Adult Social Care (LSL2-2434)

28. 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**

29. The reasons for these proposals are outlined in paragraphs 2 – 14.

**Tamsin Kielb**

**Assistant Director – HR&OD**

---

Report Author: Paula Marsh, Strategic Delivery Manager – HR&OD

**Appendix 1** Confirmed senior management structure – Adult Social Care

**Appendix 2** Part 2 report recommending appointment to LSL2-2434 Director – Adult Social Care (DASS)

**Appendix 3** Role description LSL2-2434 Director – Adult Social Care (DASS)