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AGENDA

Committee	EMPLOYMENT CONDITIONS COMMITTEE
Date and Time of Meeting	MONDAY, 17 OCTOBER 2016, 11.00 AM
Venue	CONFERENCE ROOM, LEVEL 5, COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor Hinchey (Chair) Councillors Bale, Chris Davis, Margaret Jones, Joyce, Magill, David Rees and Walker

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 **Chairperson**

To note that the Council at its meeting on 26 May 2016 appointed Councillor Hinchey as Chairperson of this Committee.

4 **Membership and Terms of Reference**

Membership - to note the Council at its Annual meeting on 26 May 2016 appointed the following Members to this Committee:

County Councillors Bale, Davis, Hinchey, Margaret Jones, Joyce, David Rees and Walker (1 vacancy)

Terms of Reference

- a) To consider and determine policy and issues arising from the organisation, terms and conditions of individual employees at Chief Officer/Assistant Director level and above (together with any other category of employee specified in Regulation from time to time) where this is necessary;
- b) To decide requests for re-grading of posts at Chief Officer level and above

(together with any other category of employee specified in Regulation from time to time) whether by way of appeal by an employee against a decision to refuse a re-grading application or to decide applications for re-grading which are supported.

5 Minutes (*Pages 1 - 4*)

To approve as a correct record the minutes of the meeting held on 25 February 2015.

6 Assistant Director - Children's Services (*Pages 5 - 20*)

Report of the Chief Executive

Appendix 1 to this report is not for publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (descriptions of Exempt Information: Wales)

Davina Fiore

Director Governance and Legal Services

Date: Tuesday, 11 October 2016

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EMPLOYMENT CONDITIONS COMMITTEE

25 FEBRUARY 2015

Present: County Councillor Hinchey (Chairperson);
County Councillors Bale, Burfoot, Walker and Walsh

Apology: County Councillor Davis, Jones and Joyce

Also: John Gay, Independent Advisor Hay Group

1 : ELECTION OF CHAIRPERSON

The Committee noted that the County Council at its Meeting on 29 May 2014 had elected County Councillor Hinchey as Chair of this Committee for 2014/15

2: MEMBERSHIP AND TERMS OF REFERENCE

To note that Council at its Annual Meeting on 29 May 2014 agreed the following Membership & Terms of Reference.

(i) Membership

County Councillors Bale, Burfoot, Davis, Hinchey, Margaret Jones, Joyce, Walker and Walsh.

(ii) Terms of Reference

(a) to consider and determine policy and issues arising from the organisation, terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time this is necessary, subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers.

(b) to decide requests for re-grading of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time, whether by way of appeal by an employee against a decision to refuse a re-grading which are supported, subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.

3 : DECLARATIONS OF INTEREST

The Chair reminded Members that they had a responsibility under Article 16 of the Members' Code of Conduct to declare any interests and complete Personal Interest Forms, at the commencement of the agenda item in question.

5: MINUTES

To approve as a correct record the minutes of the previous meeting held on 19 March 2014 – AGREED.

6 : SENIOR MANAGEMENT REVIEW

The Committee was advised that Cabinet on 19 February 2015 agreed an amended senior management structure at Tier 1 designed to ensure that the Council could meet its budget savings as outlined in the Budget Proposals 2015/16.

The Cabinet referred to this Committee, for determination as appropriate, the matter of statements specifying the duties of the proposed new posts and any qualifications or qualities to be sought in the persons to be appointed; the terms and conditions of the new posts; and subject to Council, the remuneration for the new posts.

The Committee was provided with information on the current Tier 1 position. The salaries and terms and conditions of the current structure were approved by this Committee on 5 November 2012. As part of the report at that time a Hay senior officer remuneration report was included as an appendix but exempt from general publication. This report provided recommended salary levels which were agreed by the Committee.

The amended structure deleted the following posts:

- Director of Children's Services
- Director of Health and Social Care
- Director of Environment
- Director of Sport, Leisure and Culture
- Director of Strategic Planning, Highways & Traffic and Transportation
- County Clerk & Monitoring Officer
- County Solicitor

The structure approved by Cabinet on 19 February 2015 included the following new posts:

- Director of Social Services
- Director of City Operations
- Director of Governance & Legal Services

Following consultation with affected employees and their representatives the following roles had been identified as having no, or only minor, changes in responsibilities and therefore there would be no change for the current incumbent:

- Corporate Director Resources
- Director of Education and Lifelong Learning
- Director of Communities, Housing & Customer Services
- Director of Economic Development

Members of the Committee asked, taking into consideration this current restructure at Cardiff, if these new posts would attract external candidates, if there were possibilities of redundancies in the future.

The Chief Executive assured the Committee that Cardiff was still in a strong position to attract external candidates. The Council brand as the Capital City of Wales continued to look attractive in the current marketing position.

John Gay advised the Committee that the recommended salary position of these posts was reasonable and set around mid table. These were not aggressive packages and equitable for the public sector.

Members of the Committee were advised that the pending outcome of reorganisation of local government in Wales would not have an impact on recruitment to these posts. There was always a risk of change in the medium term and candidates would be aware of this.

RESOLVED - That the Employment Conditions Committee:

1. noted the new Senior Management Structure.
2. approved the statements specifying the duties of the proposed new posts and the qualities to be sought in the persons being appointed.
3. approved the use of the existing terms and conditions for Directors for the proposed new posts in order to align with current Director posts.
4. recommended to Council spot salaries for the proposed three new posts of £120,000 per annum.

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**CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**



EMPLOYMENT CONDITIONS COMMITTEE: 17 OCTOBER 2016

REPORT OF CHIEF EXECUTIVE

ASSISTANT DIRECTOR – CHILDREN’S SERVICES

Appendix 1 to this report is not for publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (descriptions of Exempt Information: Wales)

Reason for this Report

1. The Employment Conditions Committee of 5 November 2012 recommended the terms and conditions of the senior management structure of the Council at Tier 1 and 2. As part of this the salary for Assistant Directors was set at £80,000 which has since risen to £82,416 due to national pay awards.
2. Following the Council decision, the Assistant Director roles have been advertised and in the main recruited to.
3. The role of Assistant Director – Children’s Services has been advertised on a number of occasions but there has been no success in recruitment on a permanent basis. Therefore this report sets out recommendations with regard to this role.

Background

4. The role of Assistant Director – Children’s Services has been advertised on 4 separate occasions with very limited numbers of applicants being taken past the application process. On the fourth occasion an offer was made but this was rejected due to the successful applicant’s family not being able to relocate.

Date of advertisement	Numbers of applications at longlisting stage
2 October 2013	3 Applications
7 August 2014	8 Applications
25 May 2015	3 Applications
27 January 2016	4 Applications

The role is currently being undertaken by an individual procured through the interim market.

5. The Council’s Pay Policy for 2016/17 which was agreed at Council on 24th March 2016 included a paragraph relating to market supplements.

Market supplements – all employees

It is recognised that there will be exceptional occasions where the market rate for certain key jobs is higher than that provided for by the new pay and grading structure. In these circumstances, the grading of the post will be reviewed in accordance with the new Market Supplement Scheme agreed as part of the Council's single status package. The scheme is applicable to all those covered by the green book, Craft employees, JNC for Chief Officers, JNC for Youth & Community Workers and those on Soulbury terms and conditions.

6. An assessment was made by Hays in August 2016 regarding the market rates for Assistant Directors – Children's Services which has shown the median salary for Assistant Director Children's Services in Local Government to be £84,111 per annum, with an upper quartile figure being £96,209 per annum.

The assessment also commented on the breadth of the role within Cardiff, in that it reports to the Director of Social Services and acts as an inline deputy with accountability for managing all of the Council's Children's Social Services functions. It was concluded that the role was likely to require a greater range of experience than most roles at this level.

7. The structures of the senior management within Children's Services have evolved since the original job was graded. Therefore consideration has been given as to whether the role should be submitted for re-evaluation. However this process has been rejected on the basis that there is significant senior support at OM level within the service and also that this would have implications for other Assistant Director roles within the Council.
8. A number of discussions have been undertaken by the Director of Social Services with regard to collaborative arrangements with other neighbouring authorities. However these discussions have been unsuccessful as within all authorities difficulties are being experienced in the recruitment of officers at senior levels within Children's services and greater demands are being placed on those in post. Consideration has also been given to the interim market. However this will not assist in providing the stability which comes from the appointment of a permanent Assistant Director.
9. The need for stability within the Leadership team for Children's Services was recognised within a number of CSSIW reports including The National Inspection Safeguarding and Care Planning of Looked After Children and Care Leavers, who exhibit 'vulnerable or risky behaviours' May 2014, Performance Evaluation Report 2013-14, October 2014 and Inspection of Children's Services in the City of Cardiff Council, February 2016. This is further reinforced in the report from Graham Williams on behalf of the Independent Support Team titled "Providing leadership for Social Services for Children and Families in Cardiff" which is Appendix 2 to this report.

Options available

10. Two options have been considered. Option 1 is to continue in the interim market. However this is an extremely costly option ranging from £143,000 per annum to £196,000 per annum and potentially does not provide any stability of leadership for the service.
11. Option 2 is to apply a market supplement to the role. An amount of between 1% and 30% of annual pay can be applied as a supplement. This would take the annual salary including supplement to between £83,240 and £107,141 per annum. A supplement of 15% (£94,778 per annum before employer on costs) would be a reasonable figure to be applied as this is within the scope of the market rates for the role. The supplement would be applied from the date of appointment. This supplement would be a temporary payment from the commencement of the employment contract and would be reviewed after a period of 12 months to determine whether it should continue to be applied. Any candidates applying for the role would be clearly advised that the supplement is a temporary arrangement.

Review

12. The Market Supplement policy requires that the Market Supplement be reviewed every 12 months, in consultation with the Trade Unions. The review requires an up to date assessment of the business need and an up to date analysis of the market data. This leads on to a recommendation by the Director for the role concerned. It is recommended that the review at 12 months is carried out and a decision is taken by the Chief Executive in consultation with the Cabinet Members for Corporate Services and Performance and Children's Services and Trade Unions on whether the market supplement is preserved, decreased or removed. Should the review recommend any increase in the percentage rate paid, this would be referred back to this Committee.

Consultation

13. The Trade Unions were consulted on this proposal by the Chief Executive on the 11th October 2016 and they did not support the proposal.

Reasons for Recommendations

14. To ensure that the overall salary of the role of Assistant Director – Children's Services is competitive within the employment market in order to enable a successful recruitment.

Legal Implications

15. The Assistant Director – Children's Services is a Deputy Chief Officer for the purposes of this Committee's terms of reference. Within its terms of reference the Committee may determine the terms and conditions of employment of such officers.

16. Contractual documentation relating to the employment of the Assistant Director – Children’s Services would have to make it clear that any market supplement approved by the Committee would only be paid for the first twelve months of employment, and that thereafter the remuneration would revert to base salary unless otherwise agreed.
17. In order to avoid difficulties under Equal Pay legislation the Council must justify the use of any market supplement by showing that the market has been tested and that it has been unable to recruit to the post of Assistant Director – Children’s Services at the current salary level. This is considered to be the case but it is important that the situation is reviewed at twelve month intervals in order to establish whether the business need and market data have changed.

Financial Implications

18. The report recommends that a market supplement of 15% be approved for a 12 month period from the date of appointment at which point it would be subject to review. The additional annual cost of the supplement would be £12,362 plus on-costs amounting to a total cost of £16,730. Although additional budget provision will be required to fund the market supplement the overall cost is lower than the anticipated cost of an interim and lower than the current cost of the existing arrangements within Children’s Services.

HR Implications

19. This report contains significant HR implications which will need to be managed in accordance with the Market Supplement Policy and the details within the body of this report.

RECOMMENDATIONS

It is recommended that the Employment Conditions Committee:

1. note the issues raised within this report;
2. approve the market supplement for the post of Assistant Director – Children’s Services at a level of 15% for a 12 month period from the date of appointment;
3. approve the review process for this market supplement as outlined in paragraph 12 of this report.

PAUL ORDERS

Chief Executive
11 October 2016

The following appendices are attached:

Appendix 1: Exempt Information - Remuneration for the Assistant Director of Children's Services – Cardiff Council August 2016 - Hay Group Report

Appendix 2: Providing Leadership for the Social Services for Children and Families in Cardiff

Report by Graham Williams on behalf of the Independent Support Team (IST) July 2016

Background Papers

Remuneration for the Assistant Director of Children's Services – Cardiff Council November 2014, Hay Group Report

National Inspection Safeguarding and Care Planning of Looked After Children and Care Leavers, who exhibit 'vulnerable or risky behaviours' Inspection of City of Cardiff Council – May 2014 – CSSIW

Performance Evaluation Report 2013-14 – The City of Cardiff Social Services – October 2014 – CSSIW

Inspection of Children's Services in the City of Cardiff Council – February 2016 - CSSIW

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By virtue of paragraph(s) 14 of Part(s) 4 and 5 of Schedule 12A of the Local Government Act 1972.

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PROVIDING LEADERSHIP FOR SOCIAL SERVICES FOR CHILDREN AND FAMILIES IN CARDIFF

CONTEXT

This short Paper has been produced by the Independent Support Team (IST) and considers the difficulty that has been encountered by the Authority in seeking to make a permanent appointment to the post of Assistant Director for Children's Social Services.

The IST has considerable experience of assisting individual local authorities in Wales in their efforts to strengthen the performance of their Social Services for Children. As a result, the Welsh Local Government Association suggested to Cardiff that the Team could assist the Authority in its initiative to develop and implement a Children's Services Improvement Programme.

The Team commenced working with the Authority in the Summer of 2014 and spent 3 or 4 days a month working with managers and operational staff over the following 15 month period. More recently, Team members have pursued specific tasks as requested by the Authority, but, during the initial period, its focus was upon providing regular reports which gave a systematic and objective assessment of:

- The extent to which the services met required performance targets and reflected appropriate standards of good practice;
- The robustness of Improvement Plans;
- Progress made in strengthening Services for Children and Families;
- The extent to which organisational arrangements within the Department and across the Authority are sufficiently robust to support and promote improvements in services.

Additionally, advice has throughout been provided on ways of tackling identified weaknesses and recommendations made which have been aimed at strengthening arrangements further, both within and across the Authority.

In view of its experience across a number of Authorities, its familiarity with the services and with the workings of the Authority, the Team is uniquely placed to offer a view on how best to provide leadership for Social Services for Children and Families now and for the future.

PROGRESS ON THE IMPROVEMENT JOURNEY

The IST's Reports have provided a consistent impetus for progress to which the Services have responded positively. Practice has shown steady improvement and operational managers have in the main responded well to the challenges that have been put to them. There has been a small amount of staff turnover at this level and this has provided opportunities to increase the skills available in the operational management team and improved team solidarity in ways which the IST considers to be positive. The leadership provided by the Director of Children's Services was seen by the IST to be crucially important in driving forward the Improvement agenda and this has continued following the creation of an integrated Social Services Department in 2015 and his appointment as Director of Social Services with responsibility for both Adult and Children's Social Services. He has been supported throughout by the Chief Executive and other Corporate Directors who have recognised the need to prioritise Children's Social Services within a context of budget pressures and of an increasing level of need. Elected Members have also shown their support for the services and for the sense of strategic direction provided by the Director.

The Authority has made 4 attempts during the last 3 years to appoint an Assistant Director to lead Children's Social Services but has not been able to do so. Those showing an interest in the post have been few in number and have not generally had the level of experience or proven competence which the Authority requires. Throughout this period, the post has been filled on an interim basis by an officer who has evidenced that he has all of the necessary skills but who has, for a range of reasons, not felt able to commit himself to the Authority on an ongoing and permanent basis. This is regrettable as the IST and also the Care and Social Services Inspectorate in an Inspection Report earlier this year have both recognised the importance of the interim post holder and the Director's contributions in bringing about significant improvement in the performance of the services.

While recognising the importance of the progress made, there is more to be done to:

- Build upon the more robust service foundations and improved operational management strengths that have been achieved;
- Develop and implement an effective Quality Assurance Framework to ensure that performance targets and good practice standards are met;
- Significantly strengthen leadership and accountability within the Directorate's Safeguarding assurance function;
- Implement a major restructuring of the Department;
- Put in place a Workforce Strategy able to ensure that Cardiff can recruit and retain a sufficient number of qualified and experienced social workers able to meet needs in the present and for the future;
- Develop and implement a Service model better able to meet social services needs focusing on family support and prevention and providing viable alternatives to placing children in the looked after system;
- Secure better partnership working with other agencies:

- to deliver particular service initiatives such as the Multi Agency Safeguarding Hub currently under development and of stronger services for children with a disability;
- to plan and implement broader models of service aimed at meeting the needs of children in Cardiff.

Arrangements for leadership of Children's Social Services for the future must reflect the need to progress on 3 key fronts:

- Giving day to day Senior Management attention to the delivery of social services, to sustaining the progress that has been made, to continuing to implement the Improvement Programme and to ensuring that Strategic and professional leadership can be provided;
- Ensuring that the Department is able to meet the requirements of the Social Services and Well-Being (Wales) Act of 2014;
- Enabling Social Services to fulfil a lead role in promoting and stimulating work with partners, both within the Authority itself and with partner agencies active across the geographical area, to promote and implement models of services to meet the social services and wider needs of children in Cardiff.

It is important to recognise the scale of these tasks and to ensure that adequate arrangements are in place to deliver them in practice.

THE RECRUITMENT CHALLENGE FACING THE AUTHORITY

Children's Social Services in Cardiff are now in a stronger position than they have been for a significant number of years. The appointment of an Assistant Director with the necessary experience, professional credibility and leadership skills must now be a priority if the improvements achieved are to be sustained and services continue to be strengthened better to meet future needs.

The significant reputational damage which Cardiff Social Services suffered during those earlier years has inevitably had a bearing upon the failure thus far to recruit to the Assistant Director post. This was not considered to be a safe place in which to work, leadership of the service was seen as weak and lacked credibility, there was ongoing criticism of practice and decision making from the judiciary, relationships with partner agencies were poor, the political priority was seen as focusing on developing Cardiff's City status and was not supportive of Social Services. The IST has seen for itself that things have improved significantly on each of these fronts due to the efforts of the Director and the interim Head of Service, but reputational damage takes time to remedy and will need continuing and proactive attention if this is to be achieved.

Against this background, steps taken to fill the Assistant Director post will need careful handling as this will provide evidence that the Authority has tackled some of the credibility issues that flow from the Service's history. Options that might be considered are set out below and are accompanied by the IST's view of their practicality:

- Asking the Director of Social Services to assume direct responsibility for managing and leading Children's Social Services. This would in effect return to the position that existed 12 months ago and that the Authority moved away from by creating an integrated Social Services Department with the Director being responsible for Adult and Children's Social Services. This would be a retrograde step, effectively turning the clock back to a set of arrangements which the Authority had only recently recognised the need to move away from. It would make it very difficult for progress to be made on the Social Services wide agenda which the Director would then have little capacity to deal with.
- Asking the Assistant Director for Adult Services to assume responsibility for Children Social Services in addition to her

Adult Services duties. She is considered to be a highly competent officer who has experience of working in Children's Social Service. This was however not at senior management level and the learning curve for moving into these services would be considerable. This would also have a detrimental effect on her ability to continue the progress she has made in improving the performance and credibility of Adult Services. The agenda facing these services is as equally challenging as that facing Children's Services – need for stronger professional leadership at all management levels, for performance management, for a more systematic approach to improvement, for more active partnership working, for a clear service model to be defined, for effective management of scarce resources. The achievement of both the agendas would be put at risk by overburdening a single Assistant Director.

- It is clearly not desirable, or possibly even feasible, to continue in the long term with the current arrangement of covering the post using an interim Head of Service. The service needs to achieve the stability which will come from the appointment of a permanent Assistant Director. However it must also be able to continue building upon the strengths that are inherent in the current arrangement. The IST would therefore propose that consideration be given to pursuing the following course of action:
 - Advertise the post of Assistant Director for Children's Services at an overall remuneration package that would place the Authority as a market leader and would be consistent with its status as the Capital City and largest local authority in Wales. The package should be informed by the approach of other similar authorities outside Wales and recognise the fact that the different legislative arrangements between the two countries might make moving from

England to work in Wales less attractive. It should put forward its ambitions for high quality services and to make Cardiff a “child friendly City” in as substantive and credible form as possible, stress its commitment to being a good employer and set out the career development opportunities inherent in the post ;

- Retain the current arrangement involving the Interim Head of Service until the new Assistant Director takes up the post and specify a period of overlap to enable comprehensive hand over and briefing regarding the service’s history, progress made and challenges to be addressed;
- Recognise the immediate need to drive forward through partnership working the development and implementation of new models of services to meet the social services and wider support needs of children and families in Cardiff. Effective partnership arrangements have already been established by the Interim Head of Service and these are built upon mutual respect and trust across agencies. It would be unrealistic to expect a new Assistant Director to pick up the lead on these and to form the necessary relationships upon arrival and important to ensure that the momentum already generated for partnership working is maintained. In view of the importance of this work, the IST suggests that the possibility that the role of the current interim Head be redefined to involve progressing this work following the AD’s arrival should be explored. This should be on the basis of a defined project plan with a specified end point.

The IST hopes that the analysis provided in this paper will be helpful to the Authority and would be happy to discuss the course of action set out in the preceding paragraphs if that would be helpful.

Graham Williams

On behalf of the Independent Support Team: July 2016