

COUNCIL: 22 OCTOBER 2020

**REPORT OF THE CHIEF EXECUTIVE AND HEAD OF PAID
SERVICE**

SENIOR MANAGEMENT PROPOSAL

Reason for this Report

1. To seek the approval of Council for the creation and public advertisement of the two new posts of Director, Adults, Housing and Communities and Director, Children's Services, on the basis of terms and conditions at a Director level, which form part of the new senior management structure that was agreed by the Cabinet on 15 October 2020.

Background

2. The new Tier 1 and Tier 2 senior management structure was approved, following consultation, by the Cabinet on 15 October 2020. This includes the deletion of the vacant post of Director of Social Services, with the responsibilities of the statutory director of social services role now resting with the Corporate Director, People and Communities. This enables a strengthening of arrangements at the next tier of management in order to address growing pressures within the social services area.
3. The new structure represents an evolution of existing senior management arrangements: strengthening arrangements that have already been put in place to progress further the preventative and specialist services that are in place and striking a balance between retaining existing roles to maintain momentum and stability, and ensuring sufficient capacity to meet current and emerging challenges.
4. The new senior management structure includes the proposed creation of the following two new posts at Director level (with role profiles attached to this report for information):
 - New post of Director, Adults, Housing and Communities – this role would build on recent successes in developing a joined up early intervention and preventative approach within those services that fall within the remit and responsibilities of the post-holder; and
 - New post of Director, Children's Services – this role would address the growing complexity and scale of demand being experienced in Children's Services and the consequential safeguarding and financial risks that need to be managed

effectively by the post-holder. It also addresses the inability of the Council, despite previous attempts, to recruit a permanent Head of Children's Services graded at Assistant Director level.

Issues

5. The Cabinet has referred the proposed creation and advertisement of the new posts of Director, Adults, Housing and Communities and Director, Children's Services to Council for consideration in accordance with The Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended in 2014) and the Council's Employment Procedure Rules, which require any vacant post of Chief Officer, with a salary over £100,000, to be reported to Council for approval of the public advertisement of the post.
6. The proposed new posts have been evaluated by Korn Ferry Hay Group and they have confirmed that the roles have been evaluated at Director level, with remuneration set at the same level as that of other Directors of the Council, reflecting the breadth and significant responsibility levels of these senior management roles. Remuneration of Director posts is based currently on a spot salary of £130,859 per annum, and it has been noted by Korn Ferry Hay Group that this salary is broadly in line with the market median of their national public and not for profit sector pay market database.
7. Under the 2006 Regulations and the Council's Employment Procedure Rules, the appointment or dismissal of various officers, including Directors, must be made by the Council or by a Committee delegated by the Council to make the appointment or dismissal, which must contain at least one Cabinet Member, but not more than half of the members of that Committee shall be Cabinet Members.
8. The appointment and dismissal of Chief Officers, Assistant Directors, Directors, and Corporate Directors is delegated to the Council's Appointments Committee. Appointments to the two new Director posts will therefore be made by the Appointments Committee.
9. Council approval is therefore sought for the creation of the new posts identified above within the agreed new senior management structure, as well as the public advertisement of these new posts.

Financial Implications

10. The proposed changes at Director and Assistant Director level delivers an additional cost of £55,950 compared to the previous budget held for these two tiers of management. The senior management roles that cover Housing need to be assessed in terms of cost between Housing Revenue Account (HRA) activities and those activities funded from General Funded Budget. Initial assessments of the work to be undertaken by the Director of Adults, Housing and Communities and the Assistant Director of Housing & Communities indicated that costs to HRA will increase by £70,000 and that there will be a budget saving of £14,050 to the General Fund. There has been no review of other

resources within HRA or any other funding opportunities, but these will need careful consideration in order to establish that the additional costs can be found within the HRA Budget.

11. The appointment of the Director of Children's Services anticipates that this will result in a cost avoidance on unbudgeted interim agency costs going forward. This will be demonstrated in the reduction of interim costs at the point the post of the Director of Children's Services is appointed and starts.
12. In proposing the addition and deletions of the posts or outlining the review of any posts, there has been no budgetary allocation provided for any further resources being required as a result of the changes. Any proposals in respect to posts at Operational Manager level or below will need to have identified the funding from within the existing budget allocation of the Council and also have consideration of the Council's Budget Strategy going forward.

Legal Implications

13. The law and procedure for the recruitment of Chief Officers is set out in The Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended by the Standing Orders (Wales) Amendment Regulations 2014, and is reflected in the Council's constitution.
14. Part 4, paragraph 2(a) of the constitution states that a vacancy for the post of Chief Officer, with a salary over £100,000, must be reported to Council who will arrange for the vacancy to be advertised and for any shortlisted candidates to be interviewed. The interviewing of any shortlisted candidates will be carried out by the Appointments Committee in accordance with their terms of reference.
15. The Chief Executive, pursuant to Part 3, paragraph 1.3 of the constitution, has the delegated authority to 'manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation'. Where there has been a reorganisation of responsibilities between existing staff, there is no vacancy to report to Council. Affected staff have been consulted with and Cabinet has approved the proposed structure and delegation of the implementation of this structure to the relevant officers.
16. The Well-being of Future Generations (Wales) Act 2015 requires the Council as a whole to consider how the proposals will contribute towards meeting its well-being objectives (set out in the Corporate Plan). Members must also be satisfied that the proposals comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

17. The public sector equality duties under the Equality Act 2010 require the Council to give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief. It is noted that an Equality Impact Assessment has been carried out in respect of these proposals.

HR Implications

18. This report contains HR implications which will need to be managed in accordance with the recommended legal principles, the employment legislative framework and the requirements set out by the Welsh Government. There will need to be ongoing discussions with impacted employees and Trade Union colleagues, with work done to minimise any disruption to the organisation, should Council agree the recommendations.

RECOMMENDATIONS

Council is recommended to:

1. approve the creation and public advertisement of the new post of Director, Adults, Housing and Communities on the basis of the terms & conditions of a Director level post;
2. approve the creation and public advertisement of the new post of Director, Children's Services on the basis of the terms & conditions of a Director level post; and
3. note that responsibility for the appointment of a suitable candidate to the new posts identified above is delegated to the Appointments Committee.

Paul Orders

Chief Executive and Head of Paid Service

16 October 2020

The following appendices are attached to this report:

- Appendix 1: Director, Adults, Housing and Communities – Role Profile
- Appendix 2: Director, Children's Services – Role Profile

The following background papers have been taken into account:

- Cabinet Report, 15 October 2020: Senior Management Arrangements – Update
- Cabinet Report, 17 September 2020: Senior Management Arrangements