

Report of the Chief Operating Officer

Proposed structure Corporate Leadership Group (CLG)

Summary

1. The purpose of this report is to propose changes to the senior management structure of the Council.
2. The review has considered all of the chief officer posts within the Council that are at Corporate Director, Director or Assistant Director level. A further review of Heads of Service will be done following this, to ensure effective structures at this level, providing effective support for the chief officers within the Council. A number of options have been considered and initial feedback sought from chief officers, heads of service and the trade unions during September, October and November 2020. Draft proposals have been widely shared, and this has included with all group leaders.
3. This paper provides details and an analysis of three options. Option 3 is the preferred structure. These options were the ones consulted upon at the last stage of consultation. Options 1 and 2 remain as they were consulted upon, Option 3 has been slightly amended following consultation feedback.
4. The principal key outcomes from the recommended option are:
 - to create a Directorate of People covering adults and children's services (including education), and within this area the creation of two new Director roles. These will focus on safeguarding, education, prevention, integration and commissioning. In particular there is a commitment to achieve much greater integration with the health sector, enabling the Council to respond effectively to forthcoming changes within the NHS, and for the Council to play a key lead role in this;

- create a director of customers and communities with a view to integrating work across our customer and community teams, with emphasis on supporting customers, working in communities, the new cultural strategy, working with wards, and a strengthening of equalities across the Council;
- create an assistant director for policy and strategy that will provide a chief officer lead for climate change to progress key Council priorities within this area, and also coordinate policy, performance and communications across the Council, as well as support the lead of Devolution;
- consolidate chief officer roles in place to have senior leadership within key areas of Economy and Housing, and Planning, Environment and Transport, which will be supported by a strengthened head of service structure; and
- recognising the need for stability to deal with issues post pandemic to deliver a small further saving, on top of the chief operating officer (COO) proposals, which combined delivers saving of some £204k on the salary budget.

Background

5. Staffing Matters and Urgency, in August, agreed to move the council to a Chief Operating Officer (COO) model. That model is implemented and full council approved the appointment of the Chief Operating Officer in October 2020.
6. Staffing Matters had requested that the Chief Operating Officer, once in post will return in December with a proposal to restructure the corporate leadership group (CLG).
7. There are currently two vacancies across CLG being covered by interim arrangements agreed by SMU. These posts are the Corporate Director for Health, Housing and Adults Social Care (HHASC) and Assistant Director for Housing and Community Safety.
8. In the current climate of a global pandemic and significant strain on local authority budgets, the cost of any proposal is a key feature, and it is the intention to ensure any proposal does not increase the cost of the CLG structure and ideally to make savings.

9. There has already been a decrease of one senior officer post by moving to the Chief Operating Officer model. The savings identified in that proposal total £ 125k and can be referenced in the report agreed at SMU in August 2020.
10. In considering the structure three key stages are required:
 - Stage 1 - To determine what our objectives are – what are the key criteria we are seeking to achieve;
 - Stage 2 - Based upon 1 how should services be grouped together in broad terms; and
 - Stage 3 - From 1 and 2 determine the actual structure of chief officers to deliver against the overall objectives.

Criteria to determine a Structure

11. In considering the options, there are a number of key criteria that it is felt any structure should seek to deliver. These can then be used to shape the overall structure. It should be noted that any structure is unlikely to be able to meet all objectives.
12. The restructure needs to recognise the current challenges facing local authorities, the significant demands and pressures facing the council, and also align with Council priorities.
13. The structure needs to recognise the impacts arising from the worldwide pandemic, and in particular give strong focus to areas of importance post Pandemic, for example supporting our affected customers and communities, our schools and education system, and supporting the economy.
14. The structure needs to deliver some savings in the medium term, given the financial pressures facing the council, but we need to recognise there are many challenges which require capacity in coming years and one post has already been taken from the senior officer structure in creating the chief operating officer.
15. Across the Council there should be an aspiration for flatter structures, and simpler consistency across the Council, across all layers, however this needs to be introduced in a safe manner, and may take some time to

achieve. It does however need to ensure sufficient specialist skills are retained.

16. There should be greater clarity of responsibility for functions, and linked to the chief officer structure a streamlining of heads of service roles that support Directors/AD's.
17. Within children and adults there needs to be greater resilience and integration, avoiding uncertainty and disruption if a Director leaves, and retaining capacity to deal with current challenges. The structure also needs to recognise the considerable pressures facing adults and children's services, and in particular recognise that managing demand, and financial pressures in these areas are a Council wide issue, and the impact of not doing so would ultimately be felt across other areas of the Council. It is in simple terms everyone's business that adults and children's services are properly resourced, to make them as effective and efficient as possible. In doing so it allows for resources to be invested in other areas.
18. Some additional focused capacity across policy, communications, performance and climate change should be created at chief officer level to coordinate these areas and support key policy programmes. 50% of the cost of this can be funded from the growth already allocated in the budget for developing a climate change team.
19. There should be strong focus on the key corporate functions of HR, finance, and governance with senior leadership roles, and statutory officers on the Management team, and public health should be recognised as a corporate function.
20. There should be priority given to development of integrated health, working with health partners, and strengthen work with voluntary sector. In particular with planned changes within the NHS structure, the Council needs to be actively involved in the development of the health system across York.
21. Resident service interactions, such as customer services should be integrated, should be brought together, both initially and then over time, so that key customer transactional activity is coordinated, and residents receive a single point of contact.

22. At the heart of our activity should be strong relationships with citizens and communities, with adults and children, and helping residents to manage their own affairs as independently as possible, building community capacity, and being innovative in our approaches to work within communities.

Grouping of services

23. The next stage, linked to the key criteria set out above, is the overall broad grouping of services. Ultimately once the grouping of related services is agreed, reflecting priorities, we can then discuss the options around how this broad structure of services is managed, and the extent to which any option then delivers upon the stated criteria set out at the beginning.
24. The following broad Grouping of services are proposed for agreement:
- Adults and childrens services should form a people directorate, focused upon safeguarding, prevention, education, commissioning, and integration. To be successful adults and childrens work needs integrating. We need to give strong priority to developing excellent People services and to be outward looking to the wider health and care system. We also need to continue to support the education system, ensuring children receive the best possible start in life;
 - Public health moves to report direct to the COO reflecting its corporate role but will work with all areas of the Council;
 - Housing moves across to the Place grouping of services, but with potential to split the transactional/customer elements and the delivery/maintenance, this may move the transactional elements across to customer and communities;
 - We should bring together customer and communities work, with a strong focus on supporting our residents post pandemic and delivering an ambitious model of integrated community and customer support over coming years, working closely with the cultural and voluntary sector, supporting residents and

communities, developing local area working, developing prevention strategies, and work within wards;

- Facilities Management and Property services move across to the economy/asset management, to align with asset management to ensure we maximise our asset portfolio;
- Policy, performance, business intelligence, communications and climate change are grouped together under a new Assistant Director level role reporting to the Director of Governance. This gives chief officer leadership for Climate change and support on devolution. This also gives the Director of Governance some additional Assistant Director support; and
- We will strengthen the Chief Finance Officer (CFO) authority in respect of financial functions that are located outside of the Finance function, in particular income collection (customers, housing) and other financial processes within business support department (eg payroll). This will ensure the CFO as Section 151 officer can have necessary assurances, and can instruct such services in terms of policies and procedures they consider essential.

25. There will be further details to be worked upon in respect of the structure for heads of service, once the CLG structure is confirmed. This may result in additional grade 13's which will support director roles, and will seek to assist in delivering the key objectives set out in this report. It is expected that these additional grade 13 roles will not have an additional impact on budgets and will be funded through re-organisations. In addition some further movement of functions between chief officers may occur as the detail of the structures at head of service level is progressed.

Options and Analysis

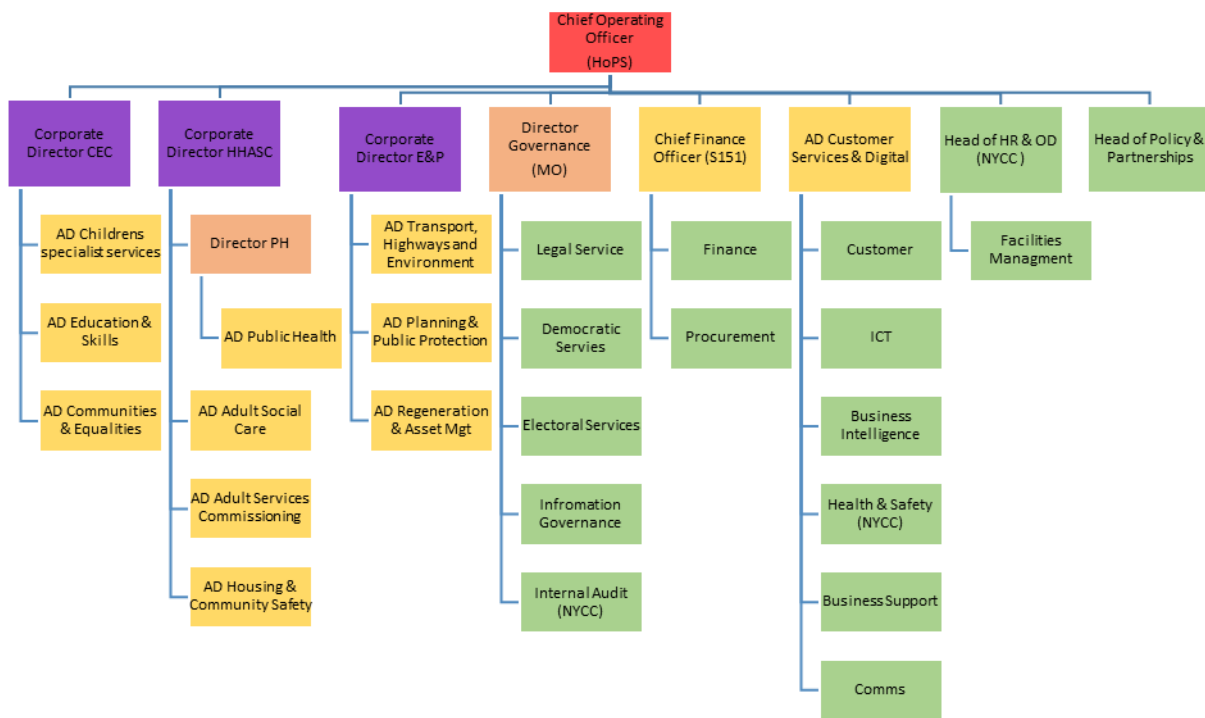
26. All options can be seen in a larger format in Appendix 1, but are included below in the body of the report for ease of reference.

27. The following sets out some of the considerations, under the broad themes of:
- minimal change;
 - significant savings; and
 - a recommended model based upon the objectives set out earlier.

ALL STRUCTURE CHARTS ARE SHOWN IN A LARGER FORMAT IN ANNEX 1

Current Structure

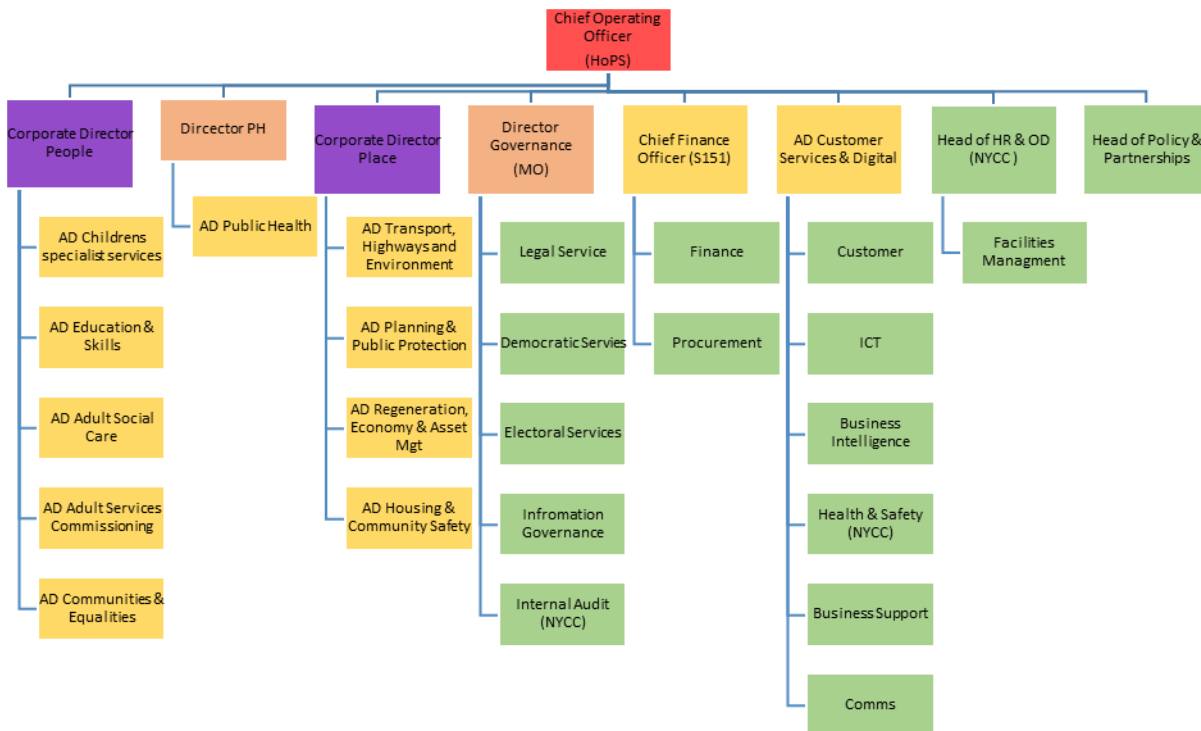
28. The current structure of CLG and high level functions can be seen in the diagram below. Please note that they may not fully describe all of the activity carried out within the areas.



29. The gross salary cost (without on costs) of the chief officers (Assistant Director, Director, Corporate Director and Chief Operating Officer) in the current structure is £2.201m with a total headcount of 18. Some costs are met by partners, or charged to the HRA, so the net cost to the general fund is £2.040m.

Option 1

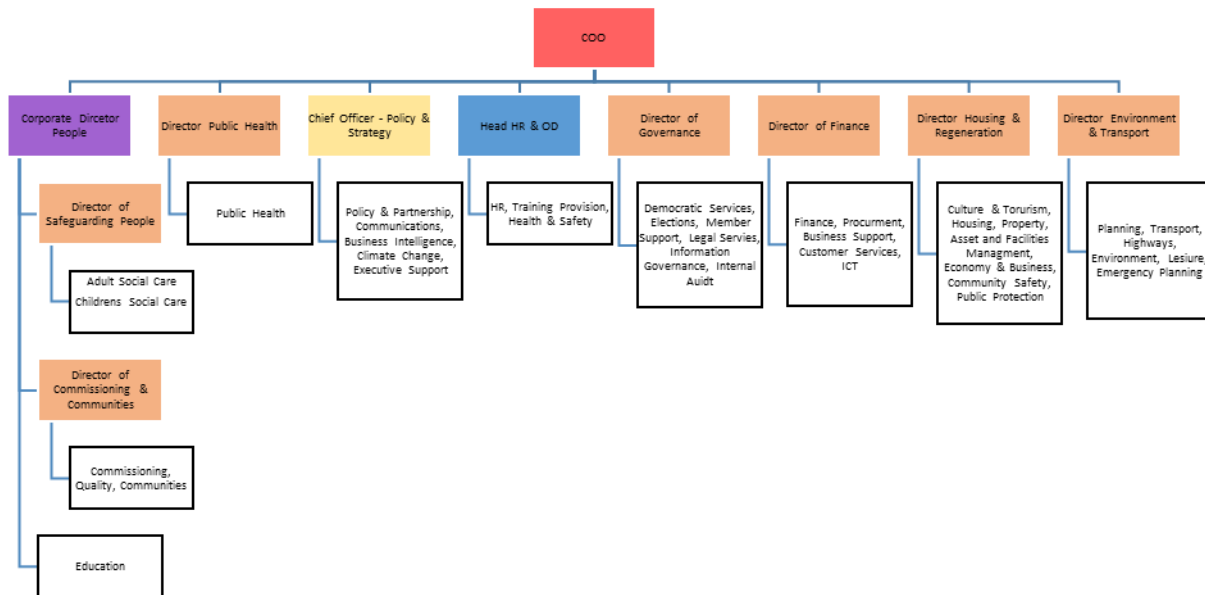
Please note all functions/teams may not be listed at this stage



30. Option 1 is a tweak to the current structure, where in general existing posts are retained, and there is simply a slight movement of existing AD posts, reflecting the broad structure changes described from paragraph 24 onwards.
31. It deletes the post of Corporate Directorate of HHASC and splitting the functions across the current Directorates. Adult's social care and commissioning merging with Childrens Education and Communities Directorate, and renaming it People Directorate. Housing and Community Safety moving with the Assistant Director reporting into the Director of Economy & Place and renaming Place Directorate.
32. Adult's social care and commissioning will exist as they do now with the Assistant Directors reporting into the Corporate Director for People.
33. This options results in net general fund cost of £1.894m, saving £146k and a reduction of 1 fte.

Option 2

Please note all functions/teams may not be listed at this stage in the white boxes

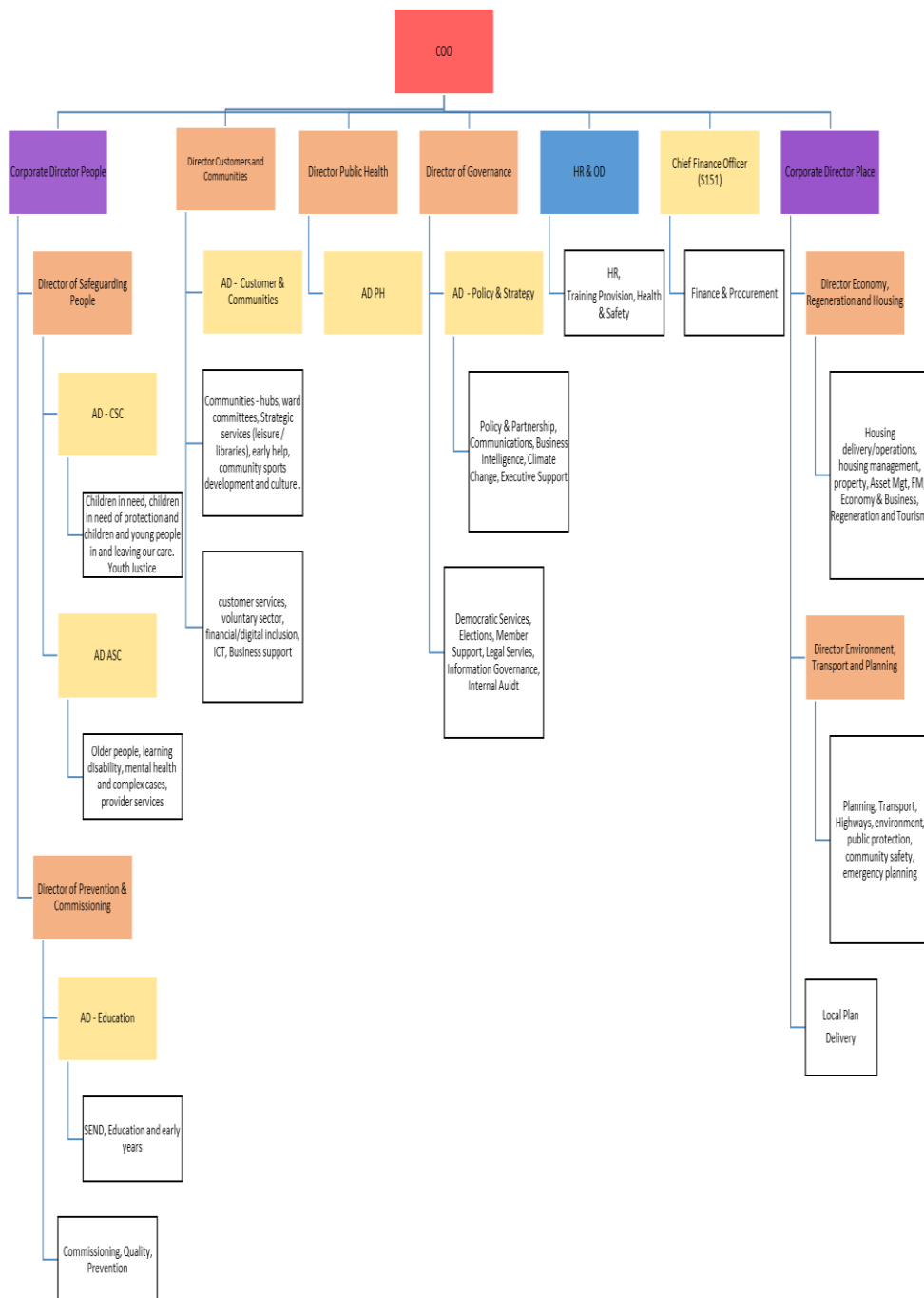


34. This option moves to a flat Director/Head of Service structure, and removes Assistant Directors, and the Corporate Director of Place.
35. In addition a new Chief Officer role is created (at Assistant Director salary grade) of Chief Officer Policy & Strategy, which will cover policy, performance, communications and climate change. The role will bring additional corporate capacity, supporting the COO. This role will ensure the council has the strongest possible performance management model, will coordinate policy and communications activity, assist in key work such as Devolution, and will lead on Climate change across the Council.
36. Whilst it produces significant savings it is felt that this is not a proposal that could be supported, as it leaves the council with limited management capacity and carrying significant risk across functional areas. There would be a need to increase the numbers of staff in grades 12 and 13 to support delivery of functions and hold accountability.
37. This structure results in a net general fund cost of £1.211m, saving £815k and a reduction of 8 fte.

38. It may be possible to move towards a variant of this model in the future, which is covered under option 3, but at this stage this structure is not recommended as it would involve too great a change at the present time. Key risks would exist within adults and children in particular, but the capacity across the whole council to deal with current challenges over coming months and years would be significantly reduced.

Option 3

Please note all functions/teams may not be listed at this stage in the white boxes



39. This is the recommended model, which delivers the objectives set out earlier. In particular:

- For adults and children capacity is retained for now at Assistant Director level to ensure capacity and stability within safeguarding, plus a much stronger focus on integration with the health sector, and additional support for Education;
- Customers and communities are integrated to move towards developing the most effective range of support for communities and residents as set out earlier in the report, working with the voluntary sector, and across all areas of Council activity. Work in relation to equalities will be strengthened as part of this;
- There is director level capacity in both People and Place, with a Corporate Director, plus two Directors, providing resilience should one director leave; and
- Key corporate services report direct to the COO.

40. This structure starts with the principle that between Head of Service and the Chief Operating Officer there should be no more than two layers of management. In some cases there will be only one tier. In particular the following principles apply to the structure:

- where a corporate director is retained, there will be a service Director tier and no Assistant Directors. Heads of service then report to the service director; in some cases heads of service roles will be strengthened, and will become grade 13 roles; and
- where a service Director is reporting to the COO then an Assistant Director role may be justified to support part of the service director role in delivering a key Council priority. For example in customers/communities, or in respect of policy and climate change.

41. This form of structure it is felt can be implemented now (subject to transitional arrangements) within all areas of the Council except initially within the People directorate, where it is felt capacity needs to be retained for now for the following reasons:

- Adults and children’s safeguarding. It is considered that these services are facing such significant challenges that for now there is clear need to retain additional AD capacity;
- Education – the schools AD post is unchanged but reports to one of the new Director posts. This post manages the SEND services which are currently being remodelled as part of our improvement plan in this area. This is at a time when there is also significant increased demand in this service which will need to be managed. This service is also subject to Ofsted regulation and a re-inspection is expected in the next 12 months. The education landscape is also significantly impacted by Covid and post covid recovery will require specialist expertise to ensure the most vulnerable children are able to be supported in mainstream schools and not increase pressure on the specialist or alternative provision sector; and
- In particular the financial challenges within the People Directorate are very much an issue that affects the whole Council. It is imperative there is capacity to address these, as if that were not achieved then there could well be significant financial impacts (and service reductions) across other areas of the Council. It is therefore in everyone’s interest that there is strong management within the People directorate.

42. In other areas of the council however, the model described in para 39 above can be implemented from the beginning, including within Place, Customers and Communities.

43. It is envisaged that over time there may be further savings realised through streamlined services and identification of efficiencies. In addition, it should be stressed that over time this model may allow for some further reduction in chief officers, once the structure is fully embedded, with all posts recruited to, and when existing challenges, particularly supporting vulnerable residents and communities have reduced.

44. This option meets many of the stated criteria. In particular, there emerges a broad grouping of functions in terms of vulnerable people, our residents, our organisation and our Place, which positions the council to effectively move forward post pandemic and deliver excellent services to

our communities, create an effective and efficient council, and shape the development and appearance of the city. Specifically:

- For Vulnerable adults and children – a stronger more integrated People Directorate;
- For Residents – joined up customer and community services, together with public health at heart of the organisation and public health closely aligned to customer/community services, operating across the organisation;
- For the Council – a corporate core of Finance, Legal, HR, and Corporate Strategy supporting the organisation, with added capacity in Corporate Strategy (including climate change); and
- For the City – a focus on the economy, housing, transport and the environment, ensuring a modern and thriving city.

45. The structure will also operate in a manner that avoids situations where individual directorates operate in isolation. So for example whilst People and Place will have directorate management teams, these will be supported by attendance from customers/communities, public health, and corporate strategy, together with as now support from Finance and HR. Corporate Management Team will consist of all direct reports to the COO plus the AD for Policy & Strategy. This collegiate approach will ensure all services are supported.

46. The new structure specifically creates five new Service Director level posts as follows, and the rationale and key issues are set out below building upon comments set out previously:

- Director of Safeguarding (500 fte) - this gives a stronger social work focus across adults and children's services which will ensure the statutory duties in this area are safely and effectively delivered. This post very much retains Director level capacity that was previously within the Corporate Director of HHASC. This post will hold one of the statutory roles (adults or children) with the Corporate Director holding the other. This post will also ensure our most complex care packages are managed efficiently;
- Director of Commissioning and Prevention (159 fte) this will be jointly funded with Health partners, and will give greater seniority

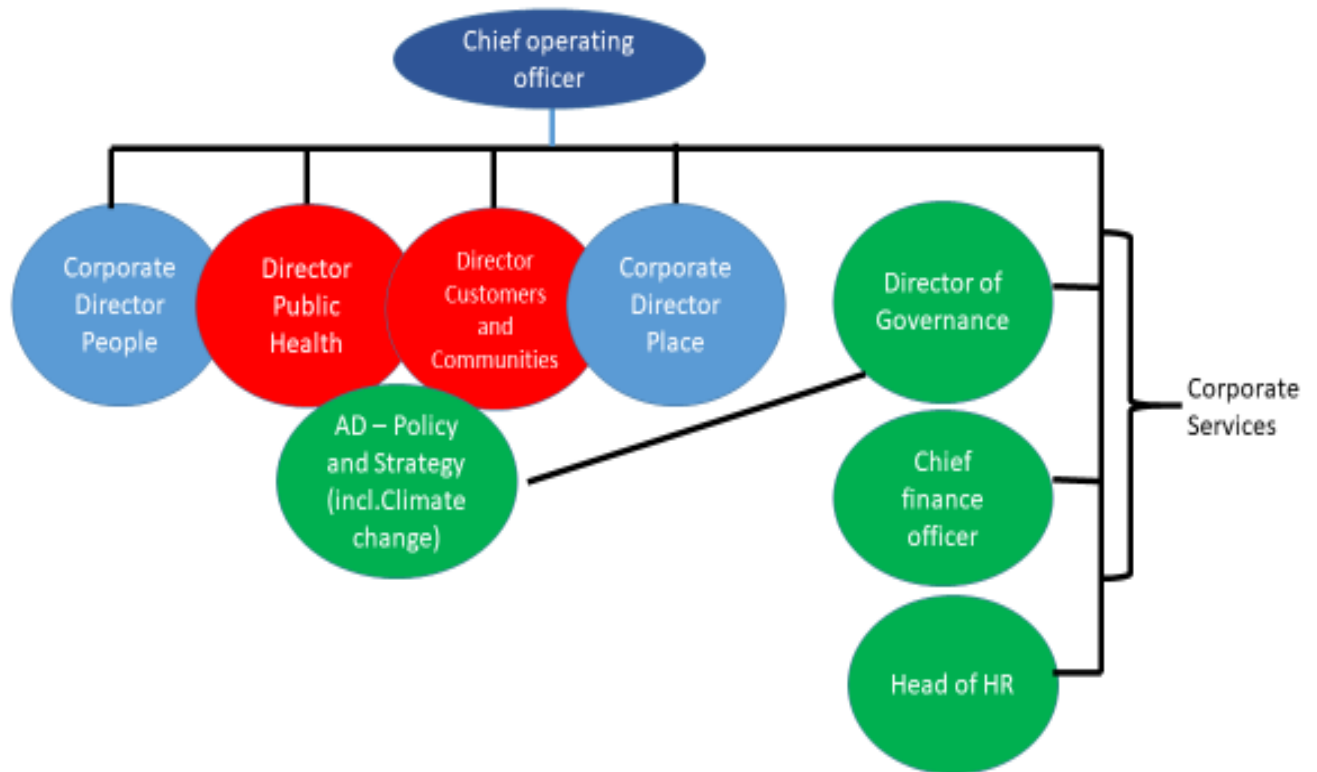
within the Council to taking forward plans for integration with health partners, and also will ensure there is a strong emphasis on quality, performance, and finance within the Directorate. This post will deliver the statutory commissioning functions in adults and also the sufficiency duties for children's. In particular management of the Better Care Fund, school places, early years provision, looked after children packages and SEND service provision. It will also manage the statutory quality assurance and review functions for children's and adults social care. The post will manage the AD for Education and Skills, ensuring the council continue to support the education system, ensuring children receive the best possible start in life. In post covid recovery we will require specialist expertise to ensure the most vulnerable children are able to be supported in mainstream schools;

- Director of Customers and Communities (414 fte) – this brings together two existing AD roles that cover customers and communities along with business support and early support. The Council's approach is to place ward and neighbourhood level working at the heart of building resilient communities, to engage local residents to shape the council's priorities and devolving resources to ward level. Through this approach working in partnership to build community capacity to deliver those local priorities. This area also brings together business support. In addition it is envisaged that some other customer activities, for example housing, may move into this area. The role will be expected to lead on a lot of the post COVID support to residents, and to take forward a key priority for the Administration in terms of effective support to residents, and easy access of contact with the Council, combined with supporting self-help. Strategic customer facing services are within this area including leisure, libraries, and a number of other customer facilities such as crematorium and registrars;
- Director of Economy, Regeneration and Housing (363 fte) – this brings together two existing AD roles, given high profile to work on the Economy, and also to ensuring the delivery of the most effective housing service, and housing delivery, alongside major projects; and
- Director of Environment, Transport and Planning (429 fte) – this brings together two existing AD roles, and consolidates public protection with other environmental functions, and planning is

placed under this Director to promote its independence from Economy.

47. A new AD role is created of AD Policy and Strategy, which will cover policy, performance, business intelligence, communications and climate change. The role will bring additional corporate capacity, supporting the COO, and will also support the Director of Governance in general issues. This role will ensure the council has the strongest possible performance management model, will coordinate policy and communications activity, assist in key work such as Devolution, and will lead on Climate change across the Council working with key partners across the city and region. The role will be half funded from the budget growth that was allocated towards additional staffing for climate change in the February 2020 budget.
48. It is proposed to retain an AD role in Place for an additional 6 months (April - October 2021). This AD role will support the transition to the new structure in Place, providing the extra capacity to ensure a strengthened Head of Service structure is implemented and necessary knowledge and skills are transferred.
49. Draft job descriptions have been included at Annex 2. These are draft and at this stage have not been through the councils' job evaluation process. During the next stage of consultation the job descriptions will be finalised and evaluated.
50. The structure seeks to facilitate a one organisation approach, with a number of services that will operate across the Council, such as customers and communities. Only two "Directorates" are retained, but these will need to work closely together. Fundamentally it will also be crucial that all chief officers operate in a collegiate and supportive manner, and we have seen this throughout the pandemic. It is vital that this culture remains, and the structure seeks to facilitate this also facilitates cross council working. The Customer and Community services are placed at the heart of the organisation but will work across all areas to deliver improved services to residents.
51. The diagram that follows shows how the structure will operate in practice, with close alignment of Customers/Communities and Public Health with the People and Place directorates. Corporate Management Team will consist of the posts shown on the diagram. Directors of Customers/Communities and Public Health will attend the Directorate Management Teams of People and Place. The AD for Policy and

Strategy will work across all areas of the Council, and will also work closely with the Leader and the COO on major policy issues.



Consultation

52. Consultation has been ongoing for some time regarding possible structures at senior officer level. Staff were asked initially to provide feedback and ideas on what they feel would work and more recently a version of this paper was shared with all chief officers, heads of service and senior managers.
53. The Chief Operating Officer has spoken on a number of occasions, with staff affected, including individual confidential discussions.
54. All staff have had the opportunity to feed in their comments.
55. Trade Unions have been involved, receiving copies of the report and a briefing from the Chief Operating Officer.

56. From the most recent consultation feedback has been received from a number of people who are directly and indirectly affected, which has shown the positive engagement.
57. From this recent consultation the feedback received has been considered and in some instances tweaks have been made to the preferred structure, option3.
58. It should be noted that once SMU have decided on a preferred option further consultation is required in line with HR processes. This is all detailed in the proposed timeline found later in the report.
59. Below is a summary of the latest consultation:
 - Option 3 was the most favoured by some way from chief officers/heads of service;
 - The structure needed to ensure we reflect priority for Education, as this is critical to developing skills, and supporting children post pandemic – this is reflected in the retention of the AD for Education and also creating a Director role that will support Education. As a result of feedback the AD role has been placed reporting to the Director of Prevention and Commissioning. This provides an improved balance between the two Director roles across the People Directorate;
 - There is strong support for customer and community integration, but to ensure this is very outward and builds on the work done in communities and adult services in supporting residents in our communities. As a result there is a proposed change, with volunteers, community sport development and local area teams moving into community services;
 - Strong support for ensuring adults and childrens retain capacity now for ensuring they can manage the financial pressures facing the service;
 - Some concerns have been raised that there has been a reduction of chief officers in Place given the scale of capital projects in addition to a large workload. This will be addressed at the next stage when grade 12/13 roles are reviewed. Ensuring adequate capacity to deliver key capital projects/programmes will be reviewed, as will ensuring specialist professional support for the Directors. In

response to the consultation it is proposed in option 3 to maintain an AD in place for a 6 month period to support the transition;

- It should also be noted that the model in place reflects the aspiration for a maximum of two tiers between the COO and Heads of service, and it is considered Place can move to that now along with some other areas of the Council; and
- There is support for additional capacity within Climate Change to move forward with this Council priority.

Financial implications

60. Option 3 results in a net general fund cost of £2.008m. There have been a number of posts deleted at Corporate Director and Assistant Director, with an increase in Director posts. Within this option it is also proposed that 50% of the new AD for Policy & Strategy is funded from the existing Climate Change budget. This would therefore result in a net general fund saving of £80k when compared to the current structure. Specifically:
61. The proposal removes assistant directors from the Place directorate, however it is expected that there will be a number of grade 13 posts created through a revision of structures at heads of service to ensure the Directors are supported effectively and clearer accountability.
62. During 2020 we have already seen the posts of chief executive, deputy chief executive and director of CCS, and the Head of Finance and Procurement (3 posts) deleted. This has saved the council £124k per annum (excluding redundancy/pension costs). Within the council there was a net reduction of 1 senior post.
63. This phase covered within this report, sees an overall saving of some £79k on existing budget provision, with a reduction in the number of posts. The full financial impact is summarised below in terms of impact on different budgets.

Costs	Current	Option 1	Option 2	Option 3
General Fund	2,040,260	1,894,000	1,211,180	2,007,610
Funded from HRA	107,230	107,230	109,040	102,250
Funded by partners	53,620	53,620	65,680	65,680

TOTAL COST	2,201,110	2,054,850	1,385,900	2,175,440
Funding from climate change budget				(53,620)
Net	2,201,110	2,054,580	1,385,900	2,121,820
Saving		146,260	815,210	79,920

Time Line

64. Due to the nature of the posts included within the scope of the review the timelines and level of consultation become more complex. However as with any restructure we must follow the councils policy's for consultation with staff, alongside the need for governance and consultation with the Executive and other elected members.
65. The table below shows key activity and timescales proposed, however these could be subject to change throughout the process as feedback from consultation is received and other impacts such as any changes in the pandemic. The Chief Operating Officer has delegated authority to determine suitable timescales for implementation, and during consultation timelines may be moved.
66. For information, the table below also shows the activity that has happened to date.
67. Timetable proposed, may be subject to change.

Activity	Dates
Consultation	
Share proposals with CMT, CLG, Heads of Service, Trade Unions and Executive.	w/c 9 November
Share Proposals with wide elected members – Group Leaders, request feedback by 27 November	w/c 9 November
Arrange feedback sessions for CLG with COO <ul style="list-style-type: none"> - Group session - Individual sessions by request 	Between 16 – 27 November

Attend group meetings to discuss proposals – if requested	By 27 November
Consider all feedback and amend proposals where applicable to be considered by SMU	By 3 December 2020
SMU Paper Published including draft job descriptions	4 December 2020
SMU paper shared with all CLG, Trade Unions and all 47 elected members	4 December 2020
SMU Committee	14 December 2020
CLG Updated following discussion at SMU	15 December 2020
<u>Formal consultation Phase</u>	
First formal consultation meeting (30 day consultation period) with staff and the trade unions. Share the written proposal report, draft JD's and timeline. Share current JD's with all staff.	15 December 2020
In scope letter issued following consultation meeting.	15 December 2020
Group & individual consultation sessions through workshops / team meetings / 1:1's etc. All staff will be invited to attend an individual 1:1 meeting. At 1:1 meetings, staff will be asked to confirm that their job description is the latest version.	15 December 2020 - 22 January 2021
End of consultation period & deadline for final feedback on the proposed structure and all JD's by staff and Trade Unions.	22 January 2021
New job descriptions go through Job Evaluation Process to confirm grades.	Wc 25 January 2021
Share final proposal with SMU for sign off.	Paper published 29 January for SMU on 1 February 2021
Meeting with staff and TUs to confirm the feedback considered, any amendments to the original proposal and to share the final structure and job description grades.	28 January 2021 Meet again if significant change at SMU on 1 Feb 2021

<u>IMPLEMENTATION PHASE</u>	
Assimilation panel held and outcome letters issued to staff.	4 February 2021
Staff identified at this stage as potentially 'at risk' provided with Redeployment Profile Form to complete and offered 1:1 meetings with manager.	5 February 2021
Allow 2 weeks for staff to complete. Staff placed on the redeployment register.	19 February 2021
Deadline for assimilation appeals (appeals received within 10 working days of the date of notification letter).	19 February 2021
Assimilation appeals.	Appeals to be heard 25 February 2021
Outcomes of the Appeals process notified to staff	25 February 2021
If necessary, competitive interviews take place – dependent upon the assimilation panel meeting outcome & any subsequent appeals.	Interviews week of 1 March 2021
Outcome letters (following interviews if take place) and/or invite to redundancy hearing letters issued to staff & 1:1 meetings to review and confirm next steps.	W/c 8/3/2021
Skills matching exercise (if necessary) to any remaining posts in structure, if applicable (for staff identified 'at risk' and placed on redeployment register - having completed Redeployment Profile Form). Individuals notified of outcome of skills matching process.	
Redundancy hearings for staff identified as redundant due to either their post being deleted or not assimilated in to the new structure.	

Contractual notice is issued (dependant on timescales some individual's contractual notice may go beyond structure implementation date).	
Implementation date of the new structure.	1 April 2021
THESE DATES ARE SUBJECT TO CHANGE DEPENDING ON THE OUTCOME OF THE CONSULTATION PROCESS.	

Council Plan

68. Restructuring will contribute to delivering the Council Plan and its priorities, enabling the Council to remain proactive and fit for purpose for the future.

Implications

Financial

69. Financial implications have been detailed in para 59 above.

Human Resources (HR)

70. There are a number of HR implications and any restructure will be carried out in accordance with the Council's HR change management procedures. This procedure is under review and will be agreed following consultation and agreements with the trade unions. If it changes prior to formal consultation commencing then there may be changes to dates etc. All staff in scope will be advised.
71. As the changes affect chief officers, members are responsible for the appointments of Chief Officers. However the council has a duty to mitigate redundancy and therefore we will consider suitable alternative employment within the structure proposed and across the council.
72. In the proposals put forward all staff may be in scope of the review, however until SMU have indicated their preferred structure no formal notification will be given to any staff affected.
73. It is recommended therefore where staff assimilate at stage 1 (minimal change to the role) and there is no one else assimilated to that role, it is

recommended that staff will have a light touch suitability selection with a member panel. Where staff assimilate at stage 2 a suitability interview with members will be established.

Equalities

74. At this stage of the process there are no known equalities implications, however, the Council needs to have due regard to the public sector equality duty, which will be kept under review via the completion of an equality impact assessment

Legal

75. The Council is required to designate a post as the statutory Director of Children Services pursuant to the Children Act 2004 and is also required to designate a post as the statutory Director of Adult Social Services pursuant to the Local Authority Social Services Act 1970 as amended by the Children Act 2004.
76. It is possible for one post-holder to be appointed as both the statutory DCS and DASS.
77. All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.
78. The Council must ensure that its employment policies and procedures are followed so as to avoid any future legal challenge. The council is required to demonstrate they have mitigated compulsory redundancy in any restructure and CYC do this through their assimilation process. In addition, as these are Chief Officer roles then a members appointment panel considers suitability. In accordance with the Constitution, a member appointment panel will include at least one Member of the Executive.
79. The member panel must demonstrate why candidates put forward for consideration after assimilation are not suitable. Any unjustified reason may expose the council will be exposed to legal challenge should there be a decision not to approve the appointment. These could include a claim of unfair redundancy selection and / or constructive dismissal.

Crime and Disorder, Information Technology and Property

80. There are no identified implications.

Risk Management

81. This is a key area of the Council and integrated into the members, along with active public involvement. There will be public interest and we have to ensure the confidentiality of staff involved in the restructure is maintained even to the pressure of outside parties.

Recommendations

82. It is recommended that Staffing Matters and Urgency Committee:

- Consider the options put forward in the report
- Agree to the Chief Operating Officer progressing with the implementation of the recommended option 3.
- Agree to set up the relevant Appointment Sub-Committees to carry out the necessary selection in line with the HR processes. That this committee delegates sufficient powers to the Sub-Committees enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

Reason: To ensure the council has an appropriate Chief Officer structure to deliver the councils priorities.

Author:
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Chief Operating Officer

Chief Officer Responsible for the report:
Ian Floyd
Chief Operating Officer

Report Approved

Date 03/12/2020

Specialist Implications Officer(s):

Debbie Mitchell, Chief Finance Officer
Janie Berry, Director of Governance
Trudy Forster, Head of HR

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annexes

Annex 1 – Options

Annex 2 – Draft Job Descriptions

Abbreviations

CFO – Chief Finance Officer
CLG – Corporate Leadership Group
CMT – Corporate Management Team
COO - Chief Operating Officer
CYC- City of York Council
FTE - Full time equivalent
HR - Human Resources
LGA – Local Government Association
OD – Organisational Development
SMU – Staffing Matters and Urgency Committee