

Report of the Chief Operating Officer

People Directorate Restructure

Summary

1. Following the recent recruitment exercise to appoint the Corporate Director of People, the panel decision was not to appoint. This paper makes proposals to restructure the Directorate.
2. This report provides SMU with three structure options. Options include keeping the current structure and re-engaging with another recruitment exercise to try to appoint a Corporate Director of People. Alternatively, two other options are set out in the paper. It is essential that there is a structure that enables the services to operate in a safe and sustainable way, and that also reflects planned changes within the health system that will impact upon the Council. It is recognised there are, as with most restructures, further options, however, focus has been retained on the preferred models of operation. **Option 3** is recommended as the structure that provides the strongest leadership for adults and children's services, ensures clear statutory responsibility, alongside deputy roles, and has a strong focus upon integration and working with health partners.
3. Initial informal consultation has taken place with officers and portfolio leads and these discussions have concluded a preference for **Option 3**. Early discussions with trade unions are also supportive.
4. This report seeks approval to:
 - i. Progress with **Option 3** of the restructure proposal including establishing an Appointments Sub-Committee for vacant Chief Officer Appointments in the recommended restructure (**Option 3**) and to delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

Background

5. The Corporate Director of People is part of the Chief Officer Management structure.
6. The role was advertised in October following the departure of the former post holder. A Member's appointment panel was convened in December 2021. Following interviews the panel made the decision not to appoint. On review of the post and the interest in the role, which was also supported by a report from NYCC's Resourcing team, it was felt that the salary offered was lower in comparison to similar Corporate Directors of People both regionally and at a national level which is likely to have contributed to the number of candidates applying with both children's and adults experience.
7. The role of Assistant Director Children's Services was also advertised in October but no appointment was made. It was originally intended that this post would remain vacant until the appointment of the Corporate Director of People and would again be reviewed thereafter. This post will now be reassessed as part of the proposed restructure presented to SMUC in this report.
8. Appointment to the new structure will enable the Council not only to discharge its statutory responsibilities in terms of adults and children's social care, but will provide key strategic leadership in the delivery of some of the council's priorities.
9. There are additional costs associated with the implementation of the recommended **Option 3**, however, the investment ensures that the Council has a robust leadership model for both children's and adults services and the investment on a permanent restructure should create stability in the workforce and reduce agency and interim spend which by default should contribute to the savings previously agreed as part of the restructure of the Corporate Leadership Group as per the paper presented to SMUC in August 2020.
10. The August 2020 paper outlined the proposed restructure of the Corporate Leadership Group that identified savings of £79,920, which was in addition to savings identified following the restructure of the former Chief Executive post which identified savings of £125k as detailed in the SMUC paper presented in February 2021.

Interim Arrangements to cover vacancies in the People Directorate

11. Interim arrangements are currently in place to cover the Statutory posts of DASS; (Director of Adult Safeguarding) and the DCS (Director of

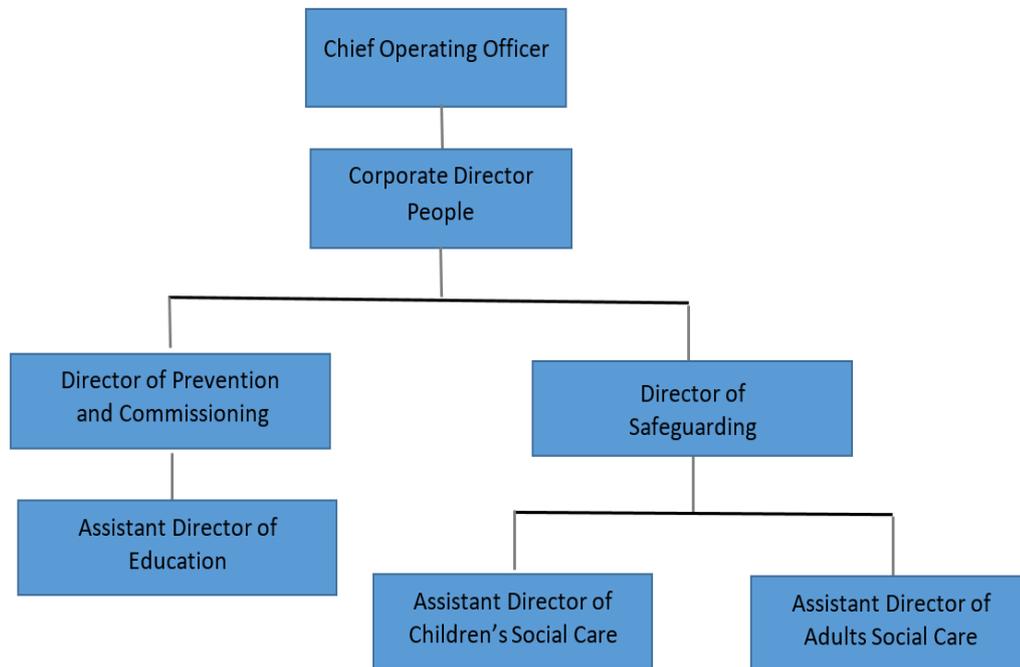
Children's Services) with the latter being engaged on an interim basis. The interim covering the role of DCS is happy to fulfil the role for the foreseeable future until a new structure is implemented. The Chief Operating Officer is currently directly line managing the Director of Safeguarding, Director Prevention & Commissioning and Interim DCS to ensure there is a joined up approach to the overall direction and strategic leadership of the People directorate.

12. The current interim measures are adequate but are not a medium or long term option however, the restructure proposed provides reassurance that CYC will have a stronger focus and the strategic leadership needed to run safe and sustainable adults and children's social care services.

Restructure Options

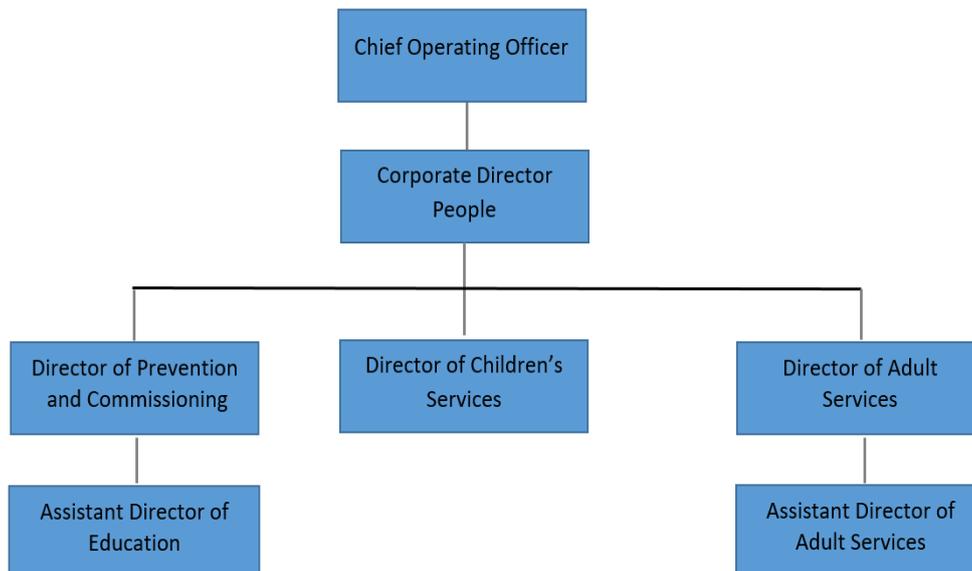
13. There are three structure options for consideration;
 - i. **Option 1** - Maintaining the current structure and look to make appointments to the vacant roles
 - ii. **Option 2** – Maintain current structure, recruit to the Corporate Director of People, however, split Adult and Children's Safeguarding roles and convert the vacant post of AD Children's Services to Director of Children's Services.
 - iii. **Option 3** – Delete the posts of Corporate Director of People, the Director of Prevention and Commissioning and Director of Safeguarding and replace with two Corporate Directors; one for Children and Education and the other for Adult Social Care and Integration. There would also be a Director of Adults Safeguarding and a Director of Children's Safeguarding (created from the deletion of the Assistant Director of Children's Services) sitting under the Corporate Directors. The two Statutory roles (DASS and DCS) would reside with each Corporate Director.
14. Under all of the options above there are 6 chief officer posts within the Adults and Children's Services. No change in overall numbers are proposed but each option has a different split of Corporate Directors, Directors and Assistant Directors.

Option 1 – Maintain the Current Structure and Appoint to the Vacant Posts



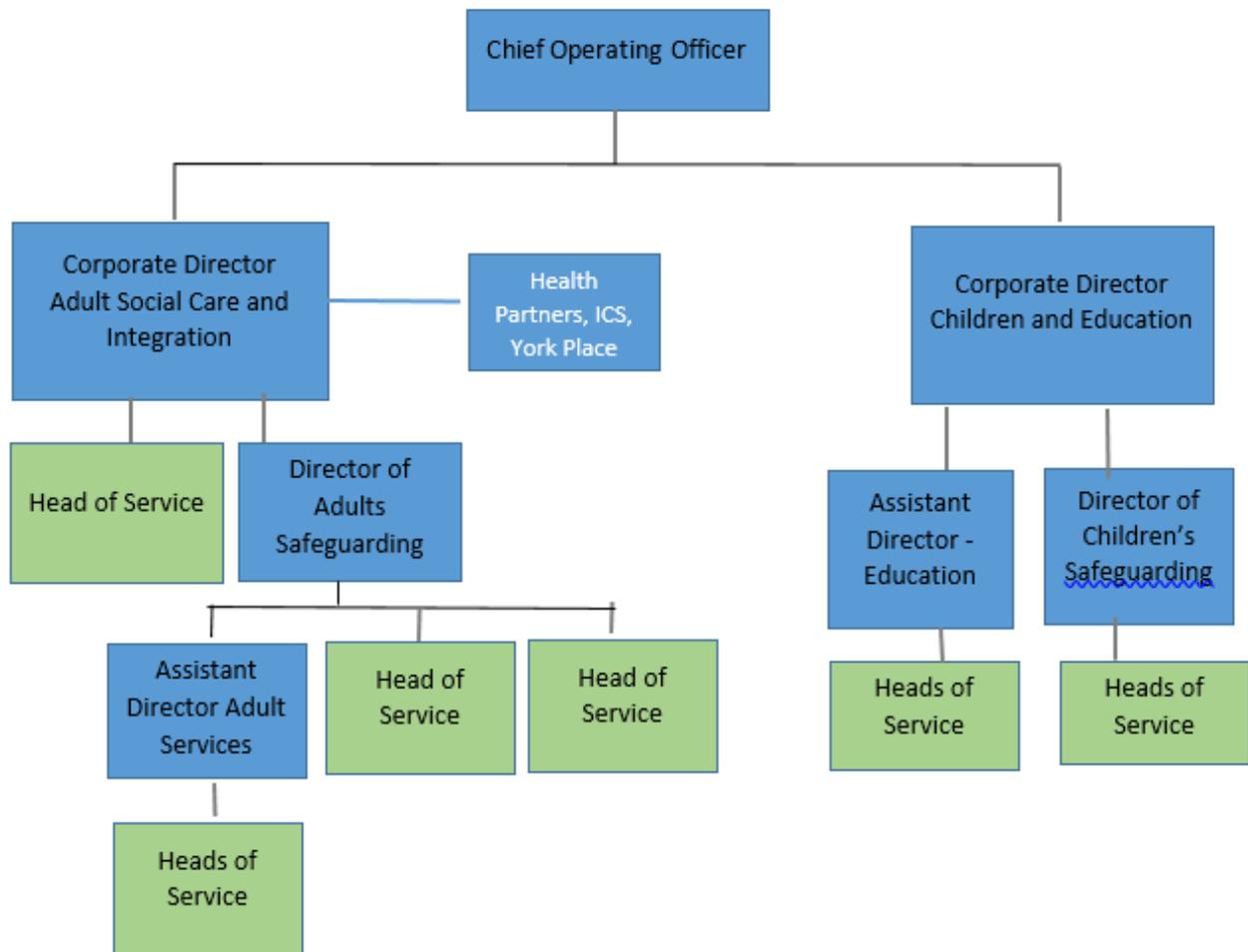
15. **Option 1** Within the last restructure People services were brought together under a Corporate Director. This has seen some benefits with the services working more closely together than before, and in particular all age commissioning was brought into one team. However, following the departure of the previous postholder, the recent recruitment exercise to fill the post highlighted the difficulties in recruiting to such a role, and that if we were to maintain the current structure a significant market supplement would be needed to attract a candidate with both adults and children's experience. Applying a market supplement would then make this post out of sync with the other Corporate Director post, and would also give the limitation on any possible market forces factor and it would likely still remain difficult to recruit to.
16. The Assistant Director of Children's has also remained vacant since the recruitment exercise in October. Once again, if this option was chosen a market forces factor would almost certainly be needed to recruit into the post.

Option 2 – Maintain the current structure however, split the Safeguarding roles and convert the Assistant Director of Children’s to Director of Children’s Services.



17. This option provides for a higher graded Director of Children’s Services, however, this structure will not avoid the need for a market supplement to fill the Corporate Director of People post. The key difference is the deletion of the Assistant Director of Children’s Services, and converting this role to Director of Children’s Services. This would directly aid and bolster the leadership of Children’s services. This will likely be seen in the Council’s favour when OfSTED call for their pending inspection and filling this role will draw on renewed energy and confidence for the service as a whole and teams in the directorate. The Safeguarding roles are also split in this option.

Option 3 – Delete the posts of Corporate Director of People, the Director of Prevention and Commissioning and Director of Safeguarding and replace with two Corporate Directors; one for Children and Education and the other for Adult Social Care and Integration. There would also be a Director of Adults Safeguarding and a Director of Children’s Safeguarding (created from the deletion of the Assistant Director of Children’s Services) sitting under the Corporate Directors.



Heads of Service posts are shown for illustration purposes only and are potentially subject to change as there is currently a restructure progressing within the Adult Social Care service. This paper requests the approval of the Chief Officer structure of the People Directorate only rather than the Heads of Service.

18. **Option 3** this is recommended option. This proposal deletes the current roles of Corporate Director People (vacant), the Director of Prevent and Commissioning, the Director of Safeguarding and Assistant Director of Children’s Services (vacant).
19. The new structure would create two new Corporate Director roles that would hold the respective statutory responsibilities of DASS and DCS.

Each Corporate Director will have a Director and the existing Assistant Director roles (Assistant Director of Adults and Assistant Director of Education) balancing the structure. The current Assistant Director for Children's Services is replaced with a Director of Children's Service's as outlined in **Option 2**, adding to the strategic leadership needed in the service. The safeguarding roles within the current structure are split into the respective services to ensure focus and leadership in safeguarding.

20. The Corporate Director of Adults and Integration will have a significant role in leading work in relation to the changes within the Health care system, and the concept of a York Place that is a sub-committee of the Humber Coast and Vale ICS. The role will be critical in working closely with all health partners to maximise the opportunities for further integration. The role may in time assume some additional direct (or indirect) responsibilities in line with the Councils developing involvement with the health system. Creating this role with a strong emphasis on integration is considered to be one of the major benefits of **Option 3**.
21. This is the preferred model and is supported by the senior leadership team in People.
22. The two Corporate Directors of People within this proposal, operate collectively and collaboratively under a People Directorate umbrella. As outlined earlier, there have been benefits in bringing together People services. Where possible this will be retained through the Corporate Director of Adults having "all age" responsibilities for prevention and commissioning and therefore, joining up some aspects of adults and children's. The current interim reporting arrangements with the Chief Operating Officer managing both the children's and adults statutory roles would continue and be embedded into the new structure to provide the overarching support to People services, with ongoing meetings of the People directorate and close working relationships. This again ensures a strong leadership and joined up approach for social care as a whole for the City.

Implementation Plan

23. The implementation of the preferred structure is subject to the HR Policy and processes as part of managing effective change.
24. There are two existing staff who are deemed 'at risk' in the **Option 3** proposal. Based on the current management of change policy, the Director of Prevention and Commissioning and Director of Safeguarding are eligible to apply for the role of Corporate Director of Adult Social

Care and Integration. As the Corporate Director role is higher than the two Director's current roles and they are both 'at risk', then the posts will be subject to the HR Management of Change Policy processes. Should either Director not be suitable to be appointed to the Corporate Director role, they would both have a claim on the Director of Adults Safeguarding. There is no immediate eligibility for the new posts of Corporate Director of Children's Social Care and Education and Director of Children Safeguarding, and on approval of the new structure these posts will progress to external recruitment and be subject to Member appointments processes.

Implementation Timetable

25. Following approval to proceed with the restructure option above, the formal consultation process will commence with the leadership team in the People Directorate and Trade Unions. Preliminary informal discussions have already taken place and it is anticipated that a normal 45 day consultation can be reduced to 30 days should all parties be agreeable. Advertising of the vacant roles in children's services, (both of which will be advertised external and be Member appointments) can commence as soon as SMUC and the trade unions are happy to proceed it is envisaged that this will likely be mid to late February.

Remuneration Package

26. All the posts have been job evaluated and the job descriptions are being finalised.
27. Assessments have been made to compare the existing Corporate Management Team Chief Officer posts and there is confidence that the creation of two Corporate Directors and two Directors in the People Directorate is fully justified.
28. A summary of the roles and key responsibilities of the People Directorate Chief Officer posts within **Option 3** are attached at **Appendix 1**, this is the basis of the formal consultation alongside the organisation chart.
29. The grades for each role is as follows;

Proposed Option 3	Salary Scale (pending pay award)
Corporate Director ASC (new, restructured role)	£101,661 to £112,067
Corporate Director CSC and Education (new vacant role to be advertised)	£101,661 to £112,067

Director of Adult Safeguarding (new, restructured role)	£90,033 to £99,821
Director of Children's Safeguarding (new vacant role to be advertised)	£90,033 to £99,821
Assistant Director Adults (current role)	£73,488 to £81,644
Assistant Director Education (current role)	£73,488 to £81,644

30. For the two posts to be externally advertised (Corporate Director of Children's Services and Director of Children's Safeguarding), the Committee is asked to confirm the pay package for these posts which will be offered as part of the recruitment process.
31. The Corporate Director will have a salary of £101,661 to £112,067, and the Director role have a salary of £90,033 to £99,821. Both salary bands are pending a pay award for 2021. Both will have access to the standard set of Chief Officer Terms and Conditions. It is also proposed that relocation costs may be reimbursed up to a maximum of £7,383 as per the Council's policy. There are no other enhancements recommended for these roles.

Appointments Committee

32. The council's Constitution allows for an Appointments Committee, including at least one member of the Executive, to interview applicants for a post and to determine who should be offered the vacant posts.
33. For consistency it is recommended that the same appointment panel undertakes all interviews in the People directorate restructure. This would include internal appointments for the Corporate Director of Adults and Integration and the Director of Safeguarding, as well as the external vacant posts in Children's services (the Corporate Director of Children and Education and Director of Children's Safeguarding).
34. To attract the strongest field of candidates with the right knowledge and skills it is recommended that North Yorkshire County Council Resourcing Team carry out the external recruitment exercise, and are engaged to support the Appointments Sub-Committee.

Council Plan

35. Making an appointment to these posts will contribute to delivering the Council Plan and its priorities.

Implications

36. The following implications have been considered:

- **Financial –**
- The financial implications of the options considered in this report are summarised in the table below and are based on the maximum cost at the top of the grade and include on costs.

Option	Total cost (£'000)
Option 1 (base position)	726
Option 2	751
Option 3 (recommended)	765

- This shows that the cost of the recommended option (**Option 3**) is £39k higher than the current structure. However, no assumption has been included for any market supplements that may be paid for **Option 1** and **Option 2**, therefore, there may be further increase of costs for market supplements. Given the current market this may mean that all options may cost a similar amount. It is not envisaged that there is a need for a market supplement for **Option 3** as the recommended option.
- The additional costs associated with implementation of **Option 3** will have to be funded from within the growth included in the 2022/23 revenue budget proposals for children and adults services.
- The cost of associated recruitment costs will be managed within existing departmental budgets.
- **Human Resources (HR)** – The job descriptions for each of the new posts have been subject to the Council's established job evaluation mechanism and a grade established for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will

be carried out in accordance with the Chief Officer recruitment protocol and management of change procedures will apply to officers deemed 'at risk'.

- **Equalities** - There are no equalities implications.
- **Legal** – 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.

All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.

It is the statutory responsibility of the Head of Paid Service to ensure that a structure is in place which can effectively and efficiently discharge the council's differing functions and to determine the organisation of the authority's staff alongside their proper appointment and management

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 processes as identified in the HR management of change processes.

The process of appointing Chief Officers is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

In respect of appointment to Chief Officer posts, the Council is required to comply with the Officer employment procedures as outlined in the council's Constitution.

- *Section 4D: Appointment and Dismissal of Staff Part 3, of the council's Constitution states:*
- **Recruitment of Head of Paid Service and Chief Officers**

3.1 This Standing Order applies to the appointment of all Chief Officer posts including temporary appointments. It does not apply, however, where it is proposed that the appointment be made exclusively from among the Council's existing officers.

3.2 Before an appointment is made the Council will:

- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;*
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of the persons who are qualified to apply for it; and*
- (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.*

3.3 A Chief Officer Appointments Sub Committee will either interview all qualified applicants for the post or select a shortlist of such applicants and interview those included on the shortlist. The Appointments Committee must include at least one Member of the Executive.

3.4 Where no qualified person has applied or, the Appointments Committee determines that it has not identified a sufficient shortlist to proceed to interview, the Council will make further arrangements for an advertisement.

In the event that **Option 3** is taken forward the proposal is that there would be a ring-fenced consultation exercise and consideration of the existing Director of Safeguarding and the Director of Prevention and Commissioning for the newly established role of Corporate Director for Adult Social Care and Integration. In this instance paragraph 3.1 of Section 4D as outlined above would apply. However, if no appointment was made, the Corporate Director post would have to be recruited to in accordance with paragraphs 3.2 to 3.4 above

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

37. The risk of no or delayed appointment could risk delivery against the Council Plan and its priorities.

Recommendations

38. It is **recommended** that the committee:
- a. Approve the recommended **Option 3** (as per **paragraphs 18 to 22**) including the deletion of the following roles;
 - i. Corporate Director of People
 - ii. Director of Prevention, Commissioning and Education
 - iii. Director of Safeguarding (Children's and Adults)
 - iv. Assistant Director of Children's Services
 - b. The creation of the following roles;
 - i. Corporate Director of Adult Social Care and Integration
 - ii. Corporate Director of Children and Education
 - iii. Director of Adults Safeguarding
 - iv. Director of Children's Safeguarding
 - c. Noting that the existing roles of Assistant Director of Education and Assistant Director of Adults Services will remain in the structure as per their current grades
 - d. Confirm the pay package (salary and relocation package) for the vacant roles to be advertised for the Corporate Director of Children and Education and Director of Children's Services (**paragraphs 30 to 31**)
 - e. Establish an Appointments Sub-Committee for the Chief Officer Appointments for the newly created roles in line with the HR Management of Change procedures. To delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

Reason: To allow appointment to the vacant posts identified as part of the restructure **Option 3** as outlined in this report to be made.

Contact Details

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Chief Officer Responsible for the Report

Ian Floyd
Chief Operating Officer

Report **Date 21/01/22**
Approved

Specialist Implications Officer(s):

Janie Berry – Director of Governance and Monitoring Officer
Debbie Mitchell – Chief Finance Officer and s151 Officer

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

For further information please contact the author of the report

Background Papers :

SMUC: Corporate Management Team Restructure (24th August 2020)

SMUC : Proposed Structure Corporate Leadership Group (14th December 2020)

SMUC : Update on progress to implement the new Corporate Leadership Group (15th February 2021)

SMUC : Appointment of Assistant Director of Children's Services (16th August 2021)

