

Bath & North East Somerset Council

MEETING:	Re-structuring Implementation Committee	AGENDA ITEM NUMBER
DATE:	14 June 2012	
TITLE:	Future Council – implementation update	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1. THE ISSUE

1.1 A new senior management structure for the Council was approved in November 2010. Supporting the future organisational model and with an increased focussed on a strategic leadership role, the structure is designed to meet the changing environment in the public sector with an increased emphasis on commissioning and bringing together various services to ensure greater integration and improved planning. It consists of three new senior posts taking primary responsibility for

- People
- Places
- Resources

together with, a collective responsibility for the corporate management of the Council alongside the Chief Executive/Head of Paid Service.

1.2 Appointments to the posts of Strategic Director – Resources and Strategic Director – People and Communities were made with effect from August 2011, when it was noted that a report on the 'Places' role would be brought to the Committee in due course.

1.3 This report progresses implementation of further aspects of the new senior management structure.

2. RECOMMENDATION

The Committee is recommended to

2.1 Ratify the decision of the Chief Executive to fill the new post of Strategic Director – Places by the transfer of the current Strategic Director- Service Delivery with effect from 1 April 2012.

2.2 Note progress in determining a new salary range and pay for Strategic Director appointments consistent with the new role profiles.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific financial implications arising from this report. The senior management restructuring approved by Council reduced the number of strategic director appointments from five (including one post shared with the PCT) to three and no specific budget allocation has been made in respect of implementing it. Restructuring and associated costs if they arise will need to be met with additional savings from existing Service budgets.

4. CORPORATE PRIORITIES

- 4.1 The Council's has recently reviewed its vision for the area and adopted and new corporate priorities. These take account of the financial position in the country and policy initiatives of central government, the issues of growth, the recession and localism in the immediate to medium term.
- 4.2 The Council's role will be changing and as a strategic commissioning organisation, it will need to be very clear on the overall needs/opportunities in the area and on commissioning or enabling/encouraging the appropriate outcomes. There will be a need for the Council to continue to prioritise the vulnerable and ensure there is an emphasis on disadvantaged communities.
- 4.3 The senior management structure agreed by Council is targeted to allow the Council the maximum opportunity to deliver on the vision in the new environment recognising that the financial challenge is great and there will be changes in terms of when and how priorities are delivered.

5. THE REPORT

Background

Strategic Director - Place

- 5.1 In its new operating model, the Council has reduced the existing strategic director portfolios from five (including a joint appointment with the PCT) to three new posts. Appointments were made to two of these new roles – 'People' and 'Resources' last summer. The new post of Strategic Director – Place remained to be filled.
- 5.2 In any restructuring of this nature an initial assessment must be made of the similarity between any existing jobs and any new jobs. Where there is a close correlation between 'old' and 'new' jobs, the existing postholder should be transferred into the new role i.e. 'slotted –in'. This is on the basis that the implied obligation of mutual trust and confidence between employer/employee would, as a matter of good practice, require the Council as employer to see whether existing employees were suitable and competent to carry out the proposed new requirements of the employer. There is of course an obligation on the Council as employer to make available to employees suitable alternative employment. There is also always a real possibility of challenge by the Auditors were the Council to make payments in compensation for loss of employment where suitable alternative employment can be shown to exist.

- 5.3 In law, an agreed 'slotting-in', amounts to a variation in the contract of employment by mutual agreement. In theory, it would be possible to vary a contract by mutual agreement very significantly. However, alternative requirements placed upon the Council as employer to make appointments solely on merit and act as a good employer would be compromised or breached were people to be put into posts where there was a substantial difference between existing and prospective roles. Such actions could give rise to suggestions of favouritism and partiality.
- 5.4 The Council's procedures allow for recruitment to be restricted or 'ring-fenced' to a particular group of applicants in a restructuring where more than one potential applicant is identified. Under arrangements established by the Council for implementation of the new organisational structure, senior appointments are delegated to the Re-structuring Implementation Committee with a requirement that all relevant legal obligations must be met in the decision to appoint. Should one or more of those identified not be offered an appointment and suitable alternative employment could not be identified they would be entitled to the mandatory redundancy compensation provisions and to be considered for the discretionary elements that form part of the Council's Redundancy Compensation Scheme.
- 5.5 An analysis of the existing role of Strategic Director – Service Delivery and the new role of Strategic Director- Places was undertaken by the Monitoring Officer and Head of Human Resources on my behalf. This identified substantial similarity and would justify the existing postholder being 'slotted-in. The risks associated with not taking this course of action are set out at paragraph 5.2 – 5.4 above.
- 5.6 In view of operational considerations and the need to progress implementation, the Chief Executive, in consultation with the Group Leaders, has filled the new post of Strategic Director – Places by the transfer of the current Strategic Director –Service Delivery with effect from 1 April 2012.

Recommendation

Ratify the decision of the Chief Executive to fill the new post of Strategic Director – Places by the transfer of the current Strategic Director- Service Delivery with effect from 1 April 2012.

Senior pay

- 5.7 The current senior management grading structure was agreed by the Council on the basis of advice and recommendation from the Hay Group. They also undertook independent assessment on the Council's behalf to determine at what point in the structure individual posts should be placed. This methodology is consistent with the Council overall approach to pay and grading and the use of an objective job evaluation methodology gives protection in respect of potential Equal Value claims.
- 5.8 To maintain the consistency across the whole pay structure and to provide impartial, independent advice, the Hay Group has been commissioned to provide advice and guidance on levels of remuneration in the context of the overall new senior management structure and the operating environment more generally. Hay is able to draw on a wide knowledge and data base of all employment sectors in the UK (and globally).

- 5.9 Account of Hay's guidance was taken in determining the range and salary for the recent appointment of a new Chief Executive. To gather information on the new senior management structure and overall context, a director from the Hay Group has met with the Group Leaders, the outgoing Chief Executive, the current Strategic Directors and the Head of HR. Given the changes to the structure and the Council as a whole, the new roles – Directors of People and Communities, Place and Resources – have re-evaluated to establish relativities and facilitate rigorous remuneration benchmarking using the Hay Group databases.
- 5.10 Following evaluation, Hay will provide further guidance on job size and relativities. This will be used to establish remuneration, benchmarked against their extensive databases and taking account of the Council's overall pay policy. In line with guidance issued by the Department of Communities and Local Government under section 40 of the Local Government Act, it is intended that any proposed changes will be recommended to council as part of the next annual Pay Policy statement.

Recommendation

Note progress in determining a new salary range and pay for Strategic Director appointments consistent with the new role profiles.

6. RISK MANAGEMENT

- 6.1 This report deals specifically with the implementation arrangements in respect of the 'Place' portfolio and generally with the pay and remuneration of first tier officers. Implementation needs to take account of the Council's procedures for dealing with the Human Resource Implications of Organisational Change and the Council's Standing Orders relating to senior appointments. The Council's statutory obligations can be met by the application of these Change Procedures.
- 6.2 Risks associated with non-compliance with the statutory legal position are set out more fully in paragraphs 5.2 to 5.5 above.

7. EQUALITIES

- 7.1 The organisational model for the future council with an increasing emphasis on strategic leadership will enable the focus to be more on the needs of individuals and communities and enable the development of different ways to meet those needs more appropriately within the resources available.
- 7.2 Impacts on the Council's workforce composition will continue to be monitored.

8. CONSULTATION

- a. The Council's Statutory Officers (i.e. Finance and Monitoring) have been consulted in the preparation of this report and their views have been incorporated in the text.
- b. This report has been provided to the relevant recognised Trades Unions for comment any comments received will be presented to the meeting.

Contact persons	1. John Everitt, Chief Executive – 01225 477410 2. William Harding, Head of Human Resources – 01225 477203
Background papers	The Future Council - Council, 16 November 2010 Future Council: implementation proposals - Restructuring Implementation Committee, 25 July 2011 Future Council: Statutory Responsibilities - Council 15 September 2011 Future Council: Chief Executive remuneration - Restructuring Implementation Committee, 19 January 2012 Pay Policy Statement 2012-13 – Council, 14 February 2012
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