

# APPOINTMENTS COMMITTEE

Friday 17 March 2023

2.30 pm Yeovil Innovation Centre,  
Barracks Close, Copse Road, Yeovil, BA22  
8RN



To: The members of the Appointments Committee

Cllr S Ashton, Cllr B Bolt, Cllr V Keitch, Cllr L Leyshon and Cllr P Seib

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Strategic Manager - Governance and Democratic Services – 9  
March 2023

For further information about the meeting, please contact Democratic Services Team - email -  
democraticservicesteam@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution  
under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to  
Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to  
the meeting in large print, Braille, audio tape & disc and can be translated into different  
languages. They can also be accessed via the council's website on  
[www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**Are you considering how your conversation today and the actions you propose to take  
contribute towards making Somerset Carbon Neutral by 2030?**



**RNID typetalk**

## **AGENDA**

Item Appointments Committee - 2.30 pm Friday 17 March 2023

### **\*\*Public guidance notes contained in agenda annexe\*\***

#### **1 Appointment of a Chair for the meeting**

To appoint a Chair from the elected members of the Committee.

#### **2 Apologies**

To receive any apologies.

#### **3 Declaration of interests**

Members to declare any interests. The statutory register of interests can be inspected upon request to the Democratic Services Team.

#### **4 Public Question Time**

The Chair will allow members of the public to ask any questions or make a statement about the matters on the agenda for the meeting.

#### **5 Exclusion of the press and public**

The committee are requested to consider and agree a resolution under Schedule 12A of the Local Government Act 1972 that the press and public be excluded during the remainder of the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure to them of exempt information of the following description:

- Information relating to any individual
- Information which is likely to reveal the identity of any individual

#### **6 To Appoint Service Director for Strategy and Performance (Pages 7 - 78)**

To consider the recommendations of the Appointments Panel – Report to follow.

#### **7 Minutes of the meeting**

To authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Committee.

## Guidance notes for the meeting

### 1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

### 2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628.

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Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

### 3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### 4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### 5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

## 6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

## 7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

## 8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) if you have any questions or concerns.

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## **Recruitment to Tier 3 Posts in Somerset Council Appointments Committees Briefing Paper**

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Lead Member: Cllr Bill Revans

Division and Local Member: n/a

Lead Officer: Duncan Sharkey

Author: Chris Squire – Director of Customers, Digital & Workforce

### **1. Background**

**1.1** Somerset Council will be established on 1<sup>st</sup> April 2023, with the four District Councils being abolished and their functions transferring to Somerset County Council, as the continuing authority. The programme to achieve this merger has the following objectives:

- Create a new unitary Council for Somerset that delivers the approved business case on 1 April 2023.
- Enable performance capability – to deliver the approved business case vision on 1 April 2023.
- Develop the new council to optimise benefits and opportunities from 1 April 2023 to 31 March 2025.

The process to appoint a chief executive for the new council was completed in July 2022, with the appointment of Duncan Sharkey to Somerset County Council (as the continuing authority designated to become Somerset's unitary local authority). The processes to appoint to four new Executive Director posts ('Tier Two') were completed in February and approved at a full meeting of Council on 22<sup>nd</sup> February 2023.

The programme is now preparing to appoint to the new Service Director posts ('tier three') to the new Council.

On 18 March 2022 the Secretary of State made the Somerset (Structural Changes) Order 2022 (SCO). The SCO formalises the decision to implement local government reorganisation in Somerset and sets out the legal framework for implementation. Staff at the four district councils employed immediately before the transfer will become Somerset Council employees on 1 April 2023; in the case of local government reorganisation, this is confirmed in Regulation 3 of the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008.

A consultation on the new structure and pre-transfer collective redundancy consultations took place from 10<sup>th</sup> November 2022 to 12<sup>th</sup> December 2022. This consultation also covered:

- The proposed structure for the top 3 tiers of Somerset Council and the process to recruit to the posts at tiers 2 and 3.
- Proposed redundancies that will be made post Vesting Day by Somerset Council, as a result of Tiers 2 & 3 restructuring.

Any changes proposed to the Senior Leadership Team and supporting officer structures are subject to consultation with the Executive and informing Full Council of the changes. Changes will be agreed via a formal decision taken by the Chief Executive.

## **1.2 Purpose of the Restructure**

The opportunities presented by local government reorganisation are huge, as are the challenges that the new organisation will face. Bringing together 5 organisations will help the new Council to realise positive change, including:

- Putting the people of Somerset at the heart of the new Authority.
- Creating new local opportunities for residents to have a real say about their own communities.
- Cutting red-tape.
- Freeing up money that can be spent on real local issues and challenges, including:
  - Caring for our most vulnerable residents
  - Delivering life-chances for our children and young people
  - Reducing rural isolation and loneliness
  - Delivering the housing each community needs
  - Investing in climate change
  - Boosting economic growth, jobs and apprenticeships.

It is anticipated that the restructuring of senior teams will result in approx. £2 million of savings, as part of the unitary business case.

The existing structures within each of the 5 Councils vary significantly both in terms of roles and levels. It is not sustainable or manageable for the existing senior leadership structures to remain with the creation of a single Council. It is vital to the delivery of the new Council that an effective and sustainable leadership team is in place, in time for Vesting Day on 1<sup>st</sup> April 2023, to help realise the opportunities that local government reorganisation presents, and to deliver financial stability to the organisation.

- ## **1.3**
- The Chief Executive proposed a structure for Tiers 2 & 3 in Somerset Council, with a list of functions by directorate. This proposal was agreed with the Leader of Somerset Council and the Executive and presented to the meeting of Council on 22<sup>nd</sup> February 2023. The proposal has been consulted on with staff and trade unions – see section 3.

After careful consideration of the responses from staff and trade unions to the consultation, the Chief Executive decided that the posts that will exist at Tier 2 necessary for the Council to meet its objectives are those set out in his proposal. The proposed job title for one of the roles was changed, following feedback from staff as part of the consultation, from Executive Director of Strategy, Performance & Localities to Executive Director of Strategy, Workforce & Localities. The four posts at Tier 2 of Somerset Council, that have subsequently been appointed to, are:

- Executive Director of Climate and Place



- Executive Director of Community Services
- Executive Director of Strategy, Workforce and Localities
- Executive Director of Resources and Corporate Services (section 151 officer)

The feedback from staff also resulted in changes to where some functions report to, in terms of Service Director responsibilities.

Following the appointments to the Executive Director posts, the processes to appoint to Service Director (Tier 3) roles were started.

**1.4** As a result, the Appointments Panel confirmed the processes for Service Director appointments, which include:

- Job Descriptions
- Salaries
- Appointments Committees

The Briefing Paper for the Appointments Panel can be seen in Appendix Two. The Chief Executive and Executive Directors, having determined following consultation the roles that will exist at Tier 3, agreed the job descriptions for the roles detailed in section 1.5.

**1.5** As a result of these considerations, the decision was taken to recruit to the following posts:

- Service Director Climate, Environment & Sustainability
- Service Director Infrastructure & Transport
- Service Director Economy, Employment & Planning
- Service Director Housing
- Service Director Culture
- Service Director Customers
- Service Director Regulatory & Operational
- Service Director Finance & Procurement
- Service Director Strategic Asset Management
- Service Director Information Communication & Technology
- Service Director Partnerships & Localities
- Service Director Strategy & Performance
- Service Director Governance, Democratic & Legal Services
- Service Director Workforce

**1.6** The Chief Executive also took a decision to exclude eight posts from Tier 3 Appointments Processes (see below, section 2.2). These are as follows:

- Service Director of Public Health
- Service Director of Children and Families
- Service Director Commissioning & Performance

- Service Director Inclusion
- Service Director Education, Partnerships & Skills
- Service Director of Adult Social Care Operations
- Service Director Adult Social Care Commissioning
- Service Director Adult Social Care Transformation

## **2. Options Considered**

- 2.1** To advertise the fourteen Tier 3 posts externally. This was discounted, due to employment law considerations, retention and development of current talent in the five local authorities and the additional time that it would take to appoint to the posts.
- 2.2** To include the service director posts within Adults Services, Children's Services and Public Health. This was rejected, as the posts are broadly the same after Vesting Day and there are no comparable roles in Somerset's district councils.

## **3. Consultations undertaken**

- 3.1** A 30-day consultation process has been completed, which gave all staff and recognised trade unions the opportunity to feedback on the structure. This included the statutory 30-day pre-transfer collective consultation period to consult with the elected representatives of staff in roles that are immediately affected by proposals in respect of tiers 2 & 3. The Consultation Paper can be seen in Appendix Three.
- 3.2** The consultation with staff was concluded on 12<sup>th</sup> December 2022. There were 135 responses to the consultation and each one has been answered individually, where possible, with a collective response to the consultation also written. All questions and answers (anonymised and depersonalised) have been shared with staff.
- 3.3** The Chief Executive read all the responses to the staff consultation and took the view that the response to the consultation did not present any issues which required material changes to the Tier 2 structure or the Tier 3 posts. However, there was further work on the functions reporting into the Service Director posts, as a consequence of the consultation.
- 3.4** The Leader of the Council and the Executive have been consulted on the structure, in line with section 7.1 of the Constitution. Full Council was informed of the final structure at its meeting on 22<sup>nd</sup> February 2023.
- 3.5** A set of principles to govern Organisational Change has been agreed with trade unions and chief executives. This can be seen in Appendix Four.
- 3.6** An Equalities Impact Assessment to support the 30-day pre-transfer redundancy consultation and subsequently updated following consultation can be seen in Appendix Five.

#### **4. Process**

The selection processes for these roles include the following:

- Invitation to staff to submit a 'matching' request, if they believe that their current role is broadly the same as the advertised post. Requests were assessed by a panel comprising HR advisors, a job evaluation specialist, and recommendations made to the relevant Appointments Committee. There were matches to two roles:
  - Service Director Strategic Asset Management
  - Service Director Governance, Democratic and Legal Services

As a result of these matching decisions, staff were given a further opportunity to submit a matching request for these roles, or for those in posts that may be at risk of redundancy from 1<sup>st</sup> April, to be considered for the roles as part of suitable alternative employment.

- Written application including supporting statement and CV.
- Interview with staff panel.
- Interview with stakeholder panel, to include partner organisations.
- Interview with the relevant Appointments Committee.

Members of the Appointments Committees met w/c 6<sup>th</sup> March 2023 to shortlist candidates for interview.

#### **5. Implications**

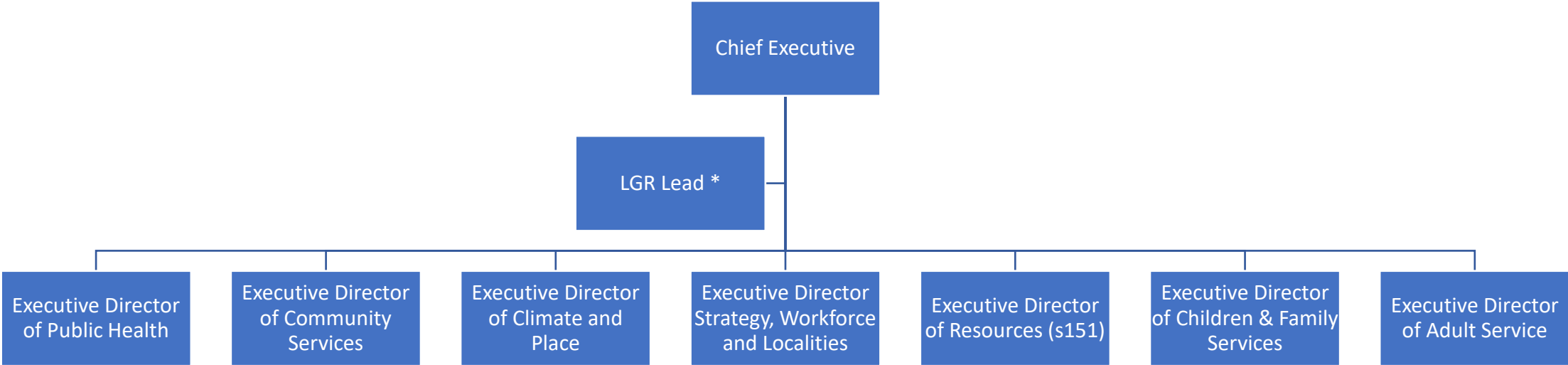
- 5.1 As set out in the decision report.

#### **6. Background papers**

- 5.1 Appendix One – Tiers 2 & 3 Structure for Somerset Council
- 5.2 Appendix Two - Appointments Panel Briefing Paper
- 5.2 Appendix Three - Somerset Council Tiers 2 & 3 Restructure Proposal and Pre-Transfer Redundancy Consultation
- 5.3 Appendix Four – Organisational Change Principles
- 5.4 Appendix Five – Equalities Impact Assessment

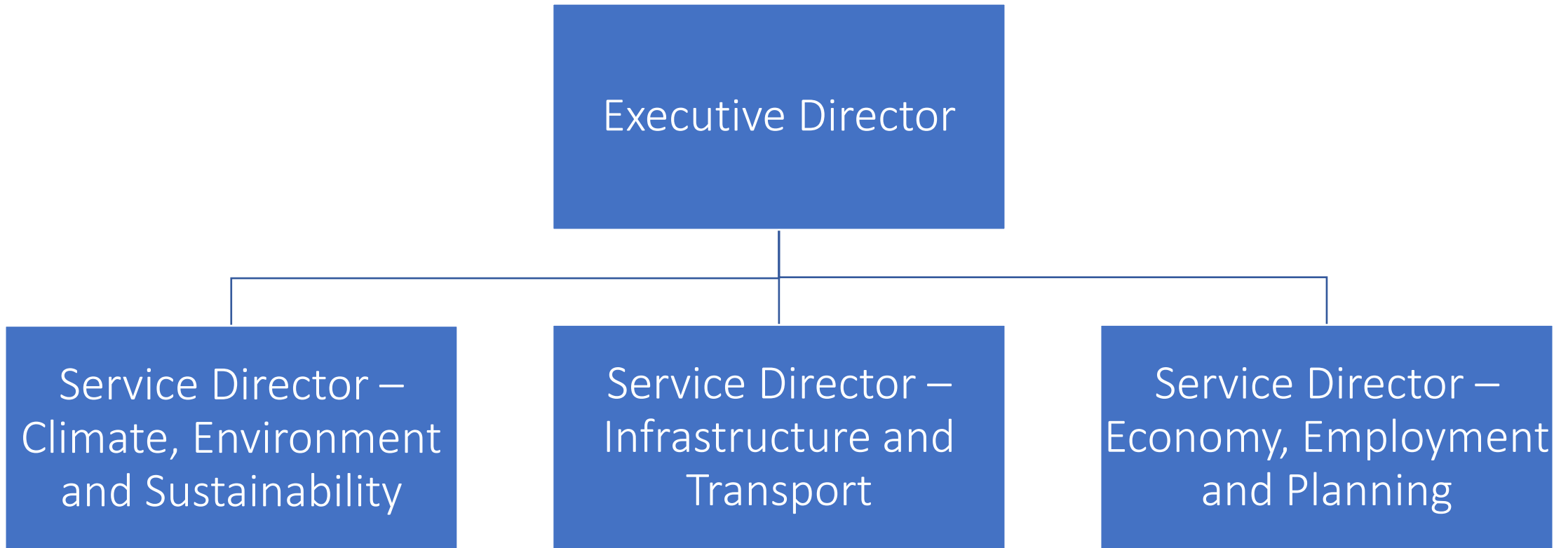
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# Tier 1 & 2



\* Fixed term post to continue delivery of LGR post Vesting Day, if required

# Climate and Place



# Executive Director Climate and Place

## Climate, Environment and Sustainability

- Strategy and Partnership development
- Carbon Neutrality
- Climate Resilience and Adaptation
- Renewable Energy
- Country Parks, Local Nature Recovery Strategy, Local Nature Reserves, AONB Partnerships (Countryside Services)
- Biodiversity (and net gain) and Ecology
- Sustainability
- Waste Service
- Emergency Planning and Business Continuity
- Water Management
- Lead Local Flood Authority & Land Drainage
- Flooding Response
- Coastal Protection Authority
- Somerset Rivers Authority

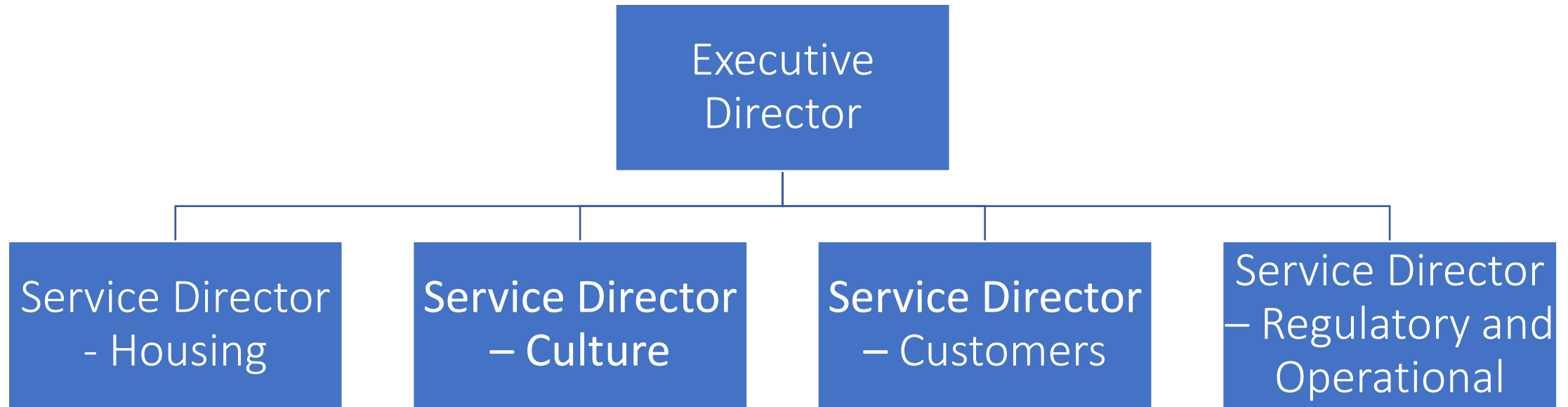
## Infrastructure & Transport

- Highways Authority
- Public Rights of Way
- Parking
- Active Travel
- Traffic Management
- Transport
- Public Transport
- Fleet Management
- Contracted Transport
- Strategic Transport Planning
- Highways Major Projects
- Road Safety
- Delivery Programme Management
- Infrastructure Commissioning

## Economy, Employment & Planning

- Economic Development
- Planning (conservation and heritage at risk, enforcement, DM, local plan, waste and minerals, s106 allocations/CIL, Phosphates)
- Affordable Housing and Enabling
- City/Town Centre Management
- Building Control
- Trading Standards (Devon partnership)
- Skills
- Education Business Partnership
- Economic infrastructure , services and Innovation Centres
- Regeneration (non-housing)
- Major Projects
- Nuclear Power
- Scientific Services

# Community Services





# Executive Director of Community Services

## Housing

- Strategy and HRA Business Plan
- Arms Length Management Organisation
- Homelessness - Rough Sleepers pathway
- Housing Options & Allocations –  
Homefinder Somerset
- Housing and Leaseholder Management
- Housing Maintenance - Responsive and Planned (capital programme), compliance, void management
- Housing Development & Regeneration
- Tenant Services –Worklessness & Tenancy Management (new tenancies, income, debt and benefit support, rent setting, service charges tenancy compliance)
- Somerset Independence Plus and financial assistance – DFG, loans, advice
- Sheltered and Extra Care
- Housing Property Service
- Registered Providers and Partnerships
- Gypsy, Traveller and Van Dweller Services
- People Displacement Schemes and Services

## Customer Services

- Customer Service Strategy and Standards
- Corporate Customer Services
- Contact Centre
- Compliments & Complaints, Ombudsman cases
- Local Service Centres
- Customer Engagement and Access

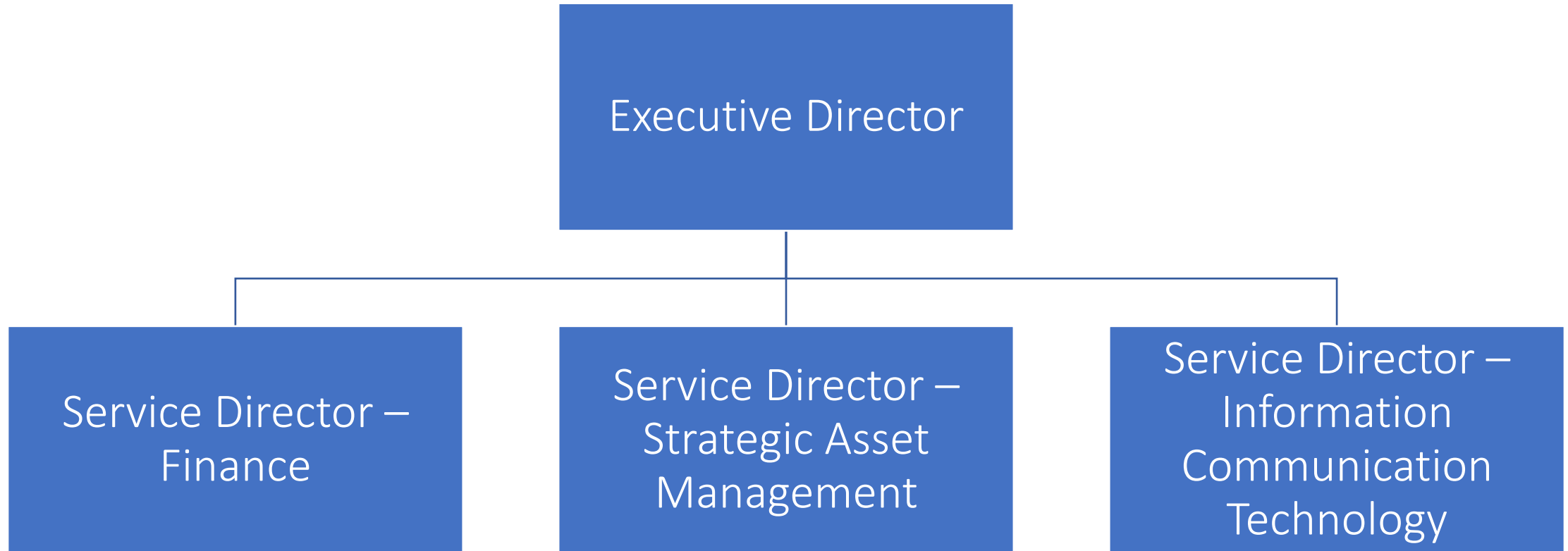
## Cultural Services

- Libraries and Local Offer
- Museums
- Theatres
- Leisure Centres, Facilities and Services (contract and direct)
- Sports Development Partnership
- Heritage Assets
- Arts Centres, Facilities, Services and Development
- Culture Facilities, Services and Development
- Tourism Facilities, Services and Development including cafes
- Community Facilities

## Regulatory and Operational Services

- Environmental Health and Licensing
- Registrars
- Coroners
- Environmental Protection and Enviro-crime
- Port Health Authority
- CCTV and anti-social behaviour
- Safety Advisory Group
- Private Sector Housing
- Street Cleansing
- Grounds
- Maintenance
- Beach Management
- Unauthorised encampments
- Parks and Play Areas
- Public Toilets
- Dog Wardens
- Operational Service to Partners
- Bereavement Services
- Fairs and Markets

# Resources and Corporate Services (s151)



# Executive Director Resources and Corporate Services (s151)

## Finance

- Finance Services (inc. Business Partners)
- Revenues and Benefits
- Pension Fund
- Capital Management
- Treasury & Corporate Debt Management
- Housing Revenue Account Financial Strategy
- Internal Audit
- Procurement
- External Audit
- Financial Systems
- Risk & Insurance Management
- Direct Payments
- Financial Assessment and Deputyship

## Strategic Asset Management

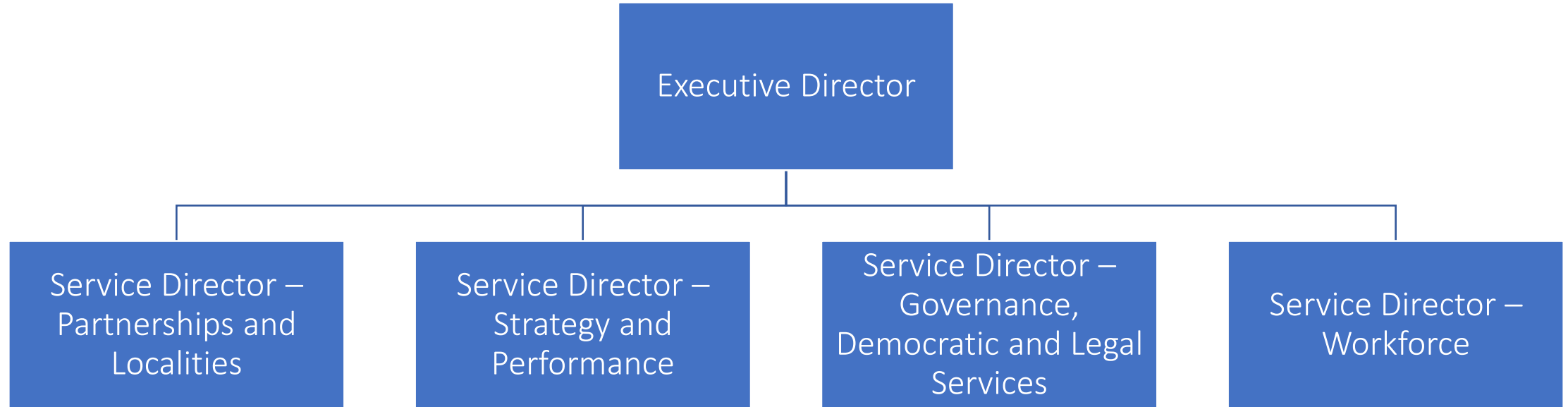
- Corporate Landlord function (land and property asset management)
- Asset management strategy
- Estates and Valuations
- Rural estate management
- Site acquisition, disposal and development
- Property records & database
- Commercial investment property
- Facilities management, premises contracts, property maintenance & helpdesk
- Premises compliance & risk management, site security and management
- Closed churchyards
- Schools & general fund condition programme
- Estate decarbonisation strategy and delivery
- Construction project delivery – schools and major projects vice & internal consultancy support

## Information Communication Technology

- Strategy and Architecture
- Operations & Security
- Support
- Infrastructure
- Telephony
- Technical Project delivery
- Application development
- Innovation, research and development
- Project Pipeline
- Supplier Management
- Service Management
- Future Technology

# Strategy, Workforce and Localities

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\* following conclusion of LGR Programme

# Executive Director Strategy, Workforce and Localities +

## Partnership and Localities

- Local Community Networks
- Strategic Partnerships
- City, Town and Parish Council Liaison
- Local devolution - Community Asset Transfers, Service devolution
- Community, Voluntary Faith, Social Enterprise Strategy and Engagement
- Volunteering Services
- Engagement
- Locality management, delivery, partnerships and projects
- One Teams
- Community Development
- Special Projects
- Grants & Lotteries

## Strategy and Performance

- Strategy and Policy
- Transformation
- Performance and Benchmarking
- Communications
- Programme Management, Project Management
- Change and Improvement
- Business Intelligence and Analysis
- Data Visualisation & Complex Analytics, Data Management/Warehousing
- Digital - Development and Service
- Legislation and Horizon Scanning
- Statutory Returns
- Commissioning Framework and Development
- Address Management (LLPG, LGS, Street Naming and Numbering)
- Land Charges
- GIS
- Corporate Equality and Armed Forces Covenant

## Governance, Democratic & Legal Services (MO)

- Member Services and Casework
- Lieutenancy
- Democratic Services
- Elections Operation
- Electoral Registration
- Information Governance and Records Management inc. GDPR, FOI, RIPA
- Corporate Governance Framework
- Annual Governance Statement
- Whistleblowing
- Officer Code of Conduct
- School Admission, Exclusion and Transport Appeal Hearings
- Civic & Ceremonial Duties
- Legal Services: Child Protection Legal Services, Adults Services Legal Services, Commercial and Contracts Legal Services, Property and Conveyancing Legal Services and Employment Legal Services.

## Workforce

- Workforce Strategy and Planning
- Organisational Health and Wellbeing
- Operations
- Business Partnering
- Payroll & Pensions
- Organisation Development
- Organisational Learning
- Health and Safety
- Staff Benefits
- Policy & Reward
- Organisational Equality, Diversity and Inclusion
- Change Management

*Health ICB/LCNs – prevention and integration*

+ Lead Commissioner

# Public Health

Executive  
Director

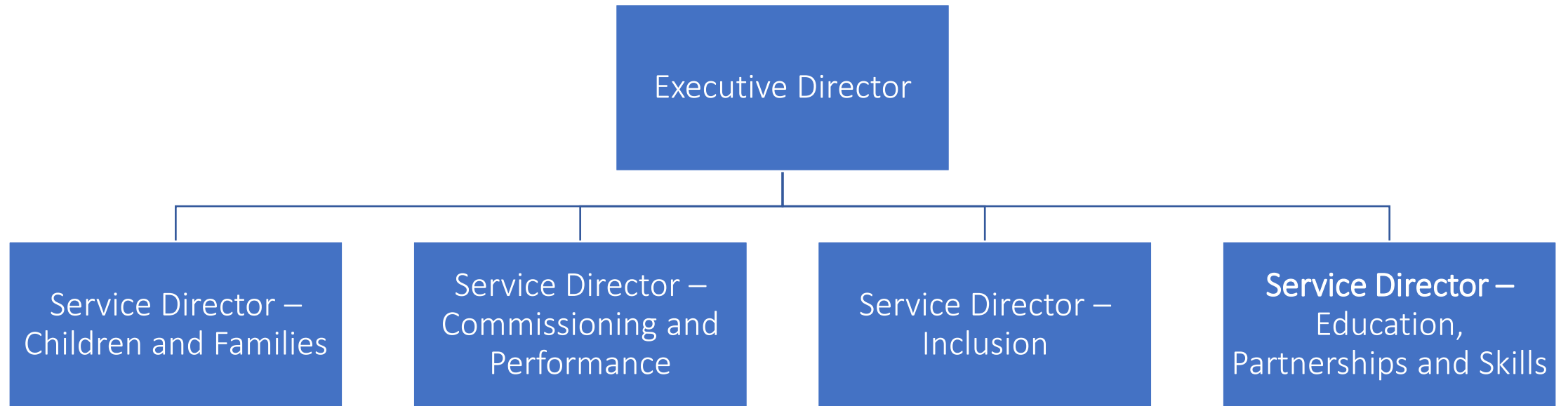
Service Director  
– Public Health

# Executive Director of Public Health

## Public Health (Deputy Director Public Health)

- Provision of Specialist Public Health advice to the system
- Influencing policy, practice and commissioning to improve health & wellbeing
- Inequality, Inclusion and Diversity (Strategy and Engagement)
- Somerset Health and Wellbeing Board (HWBB & ICP)
- Protection of the Public's Health
- Health Improvement
- Tackling Health Inequalities
- Healthcare Public Health
- Specialist public health advice and support to PCN/LCNs
- Public Health Commissioning
- Public Health Nursing
- Healthy Lifestyle Services
- Provision of public health training/lecturing
- Centre for Specialist Registrar Training
- Behavioural Insights
- Public Health Research and Evaluation & links with academia
- Health and Care Knowledge, Intelligence & Clinical audit (preferably joint for ICS)
- Population Health
- Community Safety Partnership
- Domestic Abuse
- VRU/VAWG

# Children Services





# Executive Director Children Services

## **Children and Families**

- Children Looked After and Care Leavers
- Children with Disabilities
- Preventative Services
- Quality Assurance
- Principal Social Worker

## **Commissioning and Performance**

- Commissioning
- Business Support
- Partners and Market Development
- Safeguarding Partnership

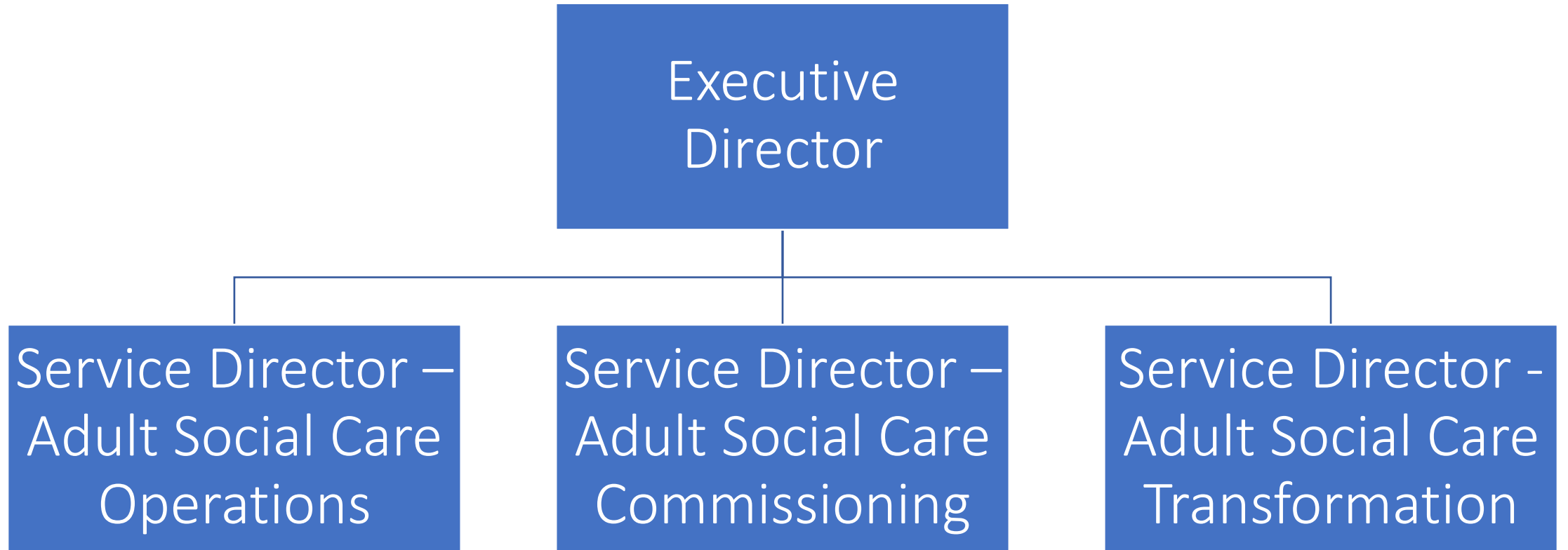
## **Inclusion**

- Special Educational Needs and Disability
- Access & Additional Learning Needs
- Virtual School & Learning Support Service
- Special Educational Needs Advisory Services & Educational Psychologist

## **Education, Partnerships and Skills**

- Support Services for Education
- Early Years
- School Improvement
- Sufficiency
- Somerset Association of Primary Headteachers

# Adult and Health Services



# Executive Director Adult and Health Services

## Service Director Operations

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- Acutes
- Safeguarding
- Partnership
- Neighbourhoods/Communities
- Intergration
- Carers
- Care/Alarm Lines and Rapid Responders

## Service Director Commissioning

- Market development
- Joint commissioning
- Community and Innovation linked to Neighbourhoods
- Assurance/inspection
- Brokerage
- Quality & Performance

## Service Director Transformation

- Adults' transformation programme
- Delivery of legislative change
- Adults' strategy and alignment with ICS strategy
- Service governance and forward planning
- Communications

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## **TIER 3 APPOINTMENTS PROCESSES**

### **APPOINTMENTS PANEL BRIEFING**

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Version Final 31<sup>st</sup> January 2023

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## 1. Introduction

This document presents the processes to appoint to Tier 3 at Somerset Council, that have been agreed by the Appointments Panel. The paper summarises legal, constitutional and process considerations, as well as salary comparisons for the roles. The document deals just with appointments. It excludes consideration of redundancy and dismissal processes which would apply, where relevant, post Vesting Day.

## 2. Legal Requirements

The merger of one or more organisations into another will result in the transfer of staff under relevant TUPE legislation. In the case of local government reorganisation, this is confirmed in Regulation 4 of the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008.

- There is a requirement to recruit a 'head of paid service' for the new single-tier authority through open competition. This process concluded in July 2022, with the appointment of Duncan Sharkey following approval by a meeting of Full Council.
- The regulations do not require that other chief officer posts are recruited to through open competition, although there is an 'expectation' that this be done. This point has been considered as part of the recommendations in section 14.
- The functions of advertising, recruiting and appointing chief officers and their deputies shall be discharged by Somerset County Council as the continuing authority, as delegated.
- The Government has produced guidance on staffing issues arising from Local Government Restructuring - [Staffing Issues Guidance080605.pdf \(lgpsregs.org\)](#)
- There are of course employment law concerns that need to be considered, as part of this paper and subsequent processes. These include: Transfer of Undertakings (Protection of Employment) Regulations 2006, Employment Rights Act 1996, Trade Unions and Labour Relations (Consolidation) Act 1992 and the Equality Act 2010.

## 3. Constitutional Requirements

Appointments to Senior Leadership Team (SLT) posts must be conducted in accordance with relevant local government requirements, to be considered lawful and to avoid potential future challenge. Tier 3 posts are deputy chief officers apart from the monitoring officer which is a statutory chief officer. These appointments will need to follow the requirements set out in the constitution of the continuing authority, in the absence of alternative provisions for the new council. In this case, this will mean using Somerset County Council's current Constitution.

The requirements for appointing to Senior Leadership Team posts, at grades 1-3 in Somerset County Council, are as follows:

### 3.1. Appointments Panel

The consequence of this is that as part of the process, a proposal to appoint to a Senior Leadership Team post will need to be put before an appointments' panel. The panel will consist of the Leader, the Opposition Leader and the Deputy Leader of the Council (or their nominated representatives) plus any relevant Cabinet members as consultees.

The role of the panel is to review the job description and terms & conditions of employment relating to a post, make appropriate recommendations to the Chief Executive, decide on

the process and to appoint the Appointments Committee to undertake the appointments' process.

### 3.2. Appointments Committee

The Appointments' Panel agrees the process to appoint to the role and then proposes the membership of the Appointments' Committee. This typically includes the leader (or deputy), the relevant Cabinet member and the opposition lead for the area to be recruited to. The Constitution specifies a maximum of 5 members of the committee, with the remaining 2 places assigned based on the rules of political proportionality. The implications of this are that each committee will comprise 3 Liberal Democrats and 2 Conservatives.

The role of the Appointments' Committee is to 'run' the process. This will include agreeing the shortlist for the role, interviewing and then confirming the appointment, with the designation of the monitoring officer role being decided by full Council.

Given the timescales before vesting day and the sheer number of appointments it is recommended that the appointments panel delegates the shortlisting and appointment decision to the Chief executive in consultation with the appointments committee, who will undertake an interview.

### 3.3. Proposals on how to broaden engagement and involvement

The Constitution is prescriptive on a number of parts of this process and we do need to be mindful as to the lawfulness of these appointments. However, it is also vital that we ensure that there is representation, involvement and engagement with all 5 local authorities (ahead of Vesting Day) and political parties. In terms of the chair arrangements and voting membership of an Appointments Panel and Appointments Committees, in line with the County Council's Constitution, can only be from the County Council elected members who are appointed to those bodies. The following is therefore proposed:

3.3.1. The Appointments' Panel comprises the Leader, Opposition Leader, and Deputy Leader of Somerset County Council. Leaders of the district councils (or their deputies) are included as consultees (as per the chief executive appointment process). This Appointments Panel oversees the processes for each of the fourteen posts that we are appointing to at Tier 3 (see section 4).

The Panel appoints Appointments Committees for each role, to run the processes for the service director posts. This enables specific interests (e.g. executive and shadow portfolio holders, committee chairs) to be represented and ensures engagement from numerous councillors in these processes.

3.3.2. The interviews for the posts include a range of interests, including all 5 authorities (to include staff as well) and partner organisations.

3.3.3. The process will be administered by the People Workstream for the Unitary Programme. Other arrangements include:

- The appointment of a recruitment partner, to receive applications, advise on job descriptions and salary levels, help with interview questions, and to provide independence to the process given potential conflicts of interest at senior officer level.

- Assistance from County & District HR Advisory Services to administer the Appointments Panel meeting(s) and to advise the Appointments' Committees.
- Assistance from Democratic Services to administer the Appointments Committees' meetings.

## 4. Tiers 2 & 3 Structure for Somerset Council

### 4.1. Structure

The proposed structure for at tiers 2 & 3, for Somerset Council, can be seen in the embedded Powerpoint Presentation:



Somerset Council  
Structure Proposals R

All staff in the 5 local authorities have been consulted with about the structure; this process concluded on 12<sup>th</sup> December 2022. Separate pre-transfer consultations have also been conducted on (i) redundancies that may come about through this structure (ie collective consultation conducted by Somerset Council with employee representatives, following the agreement of district councils to this consultation taking place) and (ii) the transfer of staff under TUPE from district councils to Somerset Council (which is being led by the districts with employee representatives of their staff and by the County Council with employee representatives of its staff).

### 4.2. Posts in scope

Appointment processes are proposed for the following posts:

- Service Director Climate, Environment & Sustainability
- Service Director Infrastructure & Transport
- Service Director Economy, Employment & Planning
- Service Director Housing
- Service Director Culture
- Service Director Customers
- Service Director Regulatory & Operational
- Service Director Finance & Procurement
- Service Director Strategic Asset Management
- Service Director Information Communication & Technology
- Service Director Partnerships & Localities
- Service Director Strategy & Performance
- Service Director Governance, Democratic & Legal Services
- Service Director Workforce

### 4.3. Posts out of scope

The following posts are excluded from these processes:

- Service Director of Public Health



- Service Director of Children and Families
- Service Director Commissioning & Performance
- Service Director Inclusion
- Service Director Education, Partnerships & Skills
- Service Director of Adult Social Care Operations
- Service Director Adult Social Care Commissioning
- Service Director Adult Social Care Transformation

The reasons for excluding these posts are as follows:

- They are broadly unchanged, based on the proposed structure, therefore the current incumbents will continue in post.
- There are no other suitable interested parties transferring into Somerset Council from the district councils, therefore there is no competition that would be appropriate under existing employment legislation.

## 5. Process Considerations

These are significant posts that are subject to member appointments processes. They are also key to linking service and corporate strategies and as such, there will be interest in assisting with the appointments from partner organisations, staff and elected members. The roles are part of the Senior Leadership team and as such, the Chief Executive will want to be part of the interview processes, advising the Appointments Committees.

The Appointments Panel have therefore considered the following:

- There are 14 posts that we are recruiting to.
- Each post is subject to a member appointments process, which necessitates up to 5 members per panel.
- The Appointments Panel, working with the Chief Executive and relevant Executive Director, will review all of the job descriptions.
- The Appointments Panel will establish an overarching Appointments Committee, to delegate the following functions to the Chief Executive and relevant Executive Directors:
  - Matching decisions – delegated to chief executive and relevant executive director, in consultation with the Leader of the Council and relevant Appointments Committee
  - Shortlisting decisions – delegated to chief executive and relevant executive director, with the Appointments Committee for the role attending the meeting (which can be done via MS Teams)
  - Interviews and appointments decisions – Appointments Committees, in person.
- Training will be provided to each elected member taking part in appointments committees, covering equality, diversity and bias (where this hasn't been received in other, recent interview processes).
- Each post will be subject to a 'matching' process, to take account of any 'slot-ins' or 'ring-fencing'. This part of the process is crucial, having been agreed as part of our Organisational Change Principles and to comply with employment legislation.

- Support will be required from Democratic Services, with regard to setting-up panels, minuting meetings and publishing decisions.
- Interview processes and administration will also be supported by HR leads, business support and project management.
- The sequencing of interview processes over a day will limit how many processes can be run. For example, staff and stakeholder panels will need to provide feedback to the Appointments Committee ahead of its interview; therefore the Committee is always the last panel to meet.
- We are likely to have significantly more applicants for tier 3 roles than for tier 2. The processes will be 'open' to internal candidates, unless there is a matching or ringfenced process to be run.
- Executive Directors will 'own' the appointments processes, relevant to their respective directorates.
- We have completed consultations on potential redundant posts and the structure at Tier 3. There are no significant changes following the Tier 2 appointments that will necessitate further consultation.

## 6. Resource

To ensure that we can run these processes quickly, thoroughly and fairly, we will appoint a team to support each Executive Director and Appointments Committee. This is as follows:

- Senior HR lead
- Project Manager
- Democratic Services officer
- PA/Business Support

The contract with our recruitment partner, Faerfield, means that we will have support for assessment of applications and preparation of interview packs.

## 7. Proposed Selection Process

The selection processes include the following elements:

- Matching processes – invitation to staff to apply, to be assessed by an officer panel and recommendations to the Chief Executive and relevant Executive Director, in consultation with the Leader of the Council and Appointments Committee.
  - If there is no single match ('slot-in'), then we move to advertising the roles (noting that there might be multiple matches to a post, therefore we run a ring-fenced process).
  - The officer panel will comprise HR advisors, JE expertise and trade union rep.
  - The Chief Executive and relevant Executive Director will take a decision on whether there is a match to a post.
- Written application including supporting statement and CV.
- Shortlisting by the Chief Executive and relevant Executive Director and in consultation with the relevant Appointments Committee.

- Appointment Committee/ Member interview panel inc. Executive Director, Duncan Sharkey and Senior HR advisor
- Stakeholder/Partners panel – committee advise on who they want involved, suggestion is that we use the existing recommendations.
  - Propose that we have up to 5 stakeholders per panel
- Staff panel (aim for one from each district and 4 from SCC, relevant to the directorate, plus trade union representation) – Q&A session focused on leadership and culture.
- Appointment Committee Decision meeting per role at end of each day.

The process may be split over 2 days, to enable efficient feedback to the Appointments Committee prior to an interview

## 8. Timeline

The timeline for appointing to these tier 3 posts is challenging, with Vesting Day on 1<sup>st</sup> April 2023 and an objective of having tiers 2 & 3 commence in role on that day.

- Table One shows a proposed timeline, to reflect an ambition to offer appointment to Tier 3 posts in March 2023.
- The timeline assumes there have been no major changes to the structure, following Tier 2 appointments, requiring further consultation.
- In the table, w/c 9th January is Week 1. Full Council takes place in Week 7 and February Half Term takes place in Week 6.

Table 1 - Tier 3 Recruitment Timelines

Date(s)	Activity
12/01 – 20/01	Review JDs and person specs for Tier 3 – Tier 2s and Duncan
	Notice and Appointments panel meeting
18/01	Appointments Panel to meet to agree process for Tier 3 and appoint committees
	Finalise JDs, Salaries and send to Panel – Tier 2s and Duncan
01/02	Appointments Panel to meet to finalise JDs and person specs
02/02 – 08/02	Window for staff to submit for matching process
09/02 – 10/02	Tier 3 matching / ring-fencing (pairs)
13/02	Tier 3 matching assessments combined meeting to put forward recommendations to Chief Executive
	Report to FC published on new structure, salaries over £100k and designations
20/02 – 21/02	Matching Decisions – delegated decision
20/02 – 21/02 (by 22/02)	Advise staff slot-ins / ringfence or unsuccessful challenge
22/02 – 01/03	Window for Tier 3 applications
	FC informed of structure agree £100k salaries and designations
03/03 and 07/03	Shortlisting packs to Chief Executive, Executive Directors & Appointments Committees – delegated decision
07/03 and 10/03	Shortlisting sessions by Chief Executive, Executive Directors & Appointments

	Committees
	Notice of Appointment committee meetings (appointment)
08/03 and 13/03	Email confirmation to shortlisted candidates
13/03 – 23/03	Tier 3 recruitment (interviews)
	Executive objection process
	Chief Executive Appointment Decisions
24/03	Tier 3 structure will be known

## **9. Slot-Ins and Ring-Fenced Processes**

The Organisational Change Principles describe how an employee may be slotted into a post or be part of a ring-fenced process for a post(s) if their existing substantive job is a broad match (75%) to that role.

### **Candidate Matching Process**

9.1. To apply for matching to a new role, candidates must provide a copy of their current job description and person specification and organisation structure and demonstrate, using the categories, below, how their current role is a 75% match or more to the new role (*this is particularly important if, for example, a job description is out-of-date*).

9.2. A panel of two officers will assess each request, with recommendations made.

9.3. A review panel consisting of trade union representatives, district & SCC HR Leads and a JE specialist will review the recommendation from the first panel.

9.4. The review panel will then make recommendations to the Chief Executive. The decision of the Chief Executive, in consultation with the Appointments Committee will be final.

### **Pro Forma Categories for Job Matching**

Factors that will be considered for job-matching include:

- Current areas of responsibility
- Budget (perhaps as a percentage of organisational budget)
- Staff Headcount (perhaps as a percentage of organisation)
- Professional Qualifications or relevant registration required
- Current Organisational Tier

## **10. Other Considerations**

### **10.1. Organisational Change Principles**

A set of principles governing organisational change has been agreed with trade unions and senior managers.

The principles describe how staff can be slotted-in or ring-fenced for a post, based on their current role being a broad match (75%) to the new post(s).

The Change Principles can be seen in Appendix One.

### **10.2. Job Descriptions**

Job descriptions have been drafted and evaluated. Corporate Responsibilities for Service Directors are shown in Appendix 2.

### **10.3. Salary**

Salary comparison work has been done, with the results presented in Appendix 3.

Any salary over £100k will need to be approved at a meeting of full Council and it is proposed that this happens when the restructure is reported at the meeting in February. The proposals exclude Adults Services, Children's Services and Public Health, at this stage.

The following is recommended for adoption by Somerset Council, in respect of pay & grading at tier 3:

- There are 3 ‘levels’ within Tier 3. This enables us to reflect the relative weightings & outcomes from job evaluation. These levels are SD1, SD2 and SD3:
  - o SD1 - £115k-£118k
  - o SD2 - £110k-£115k
  - o SD3 - £100k-£105k
- These salary levels broadly reflect arrangements in similar sized unitary authorities and the responsibilities attached to the roles.
- Appointees will receive spot salaries, subject to an annual cost-of-living pay increase.
- Recruitment & Retention Premia may still be applied, in line with Somerset Council policy.
- The levels, however, do not give us much ‘headroom’ for Tier 3 roles in Adults and Children’s Social Care. Current pay for Directors of Operations in these areas is £113k, which means the roles would need to be evaluated at SD1 (this work is being undertaken). These are also highly competitive areas for recruitment.
  - o The panel may wish to consider setting these salaries at a higher level to ensure there are no immediate pressures in the first 12-months of
  - o Somerset Council.

**11. Risks**

There are a number of risks inherent in senior appointment processes. These are perhaps magnified when running a campaign to recruit to a new leadership team, whilst merging 5 organisations and running TUPE processes:

Risk	Mitigation
Inability to appoint due to either a) no applications or b) inappropriate applications	<ul style="list-style-type: none"> <li>• Assess whether there is suitable alternative employment to be applied to staff</li> <li>• Interims &amp; external advertising</li> </ul>
Employment Tribunal Claims (which could for example, include claims for unfair dismissal and unlawful discrimination) following unsuccessful applications	<ul style="list-style-type: none"> <li>• Use of robust selection processes involving independent advisors</li> <li>• Regular conversation with retained employment lawyer</li> </ul>
Appointments don’t work out	<ul style="list-style-type: none"> <li>• Performance management</li> </ul>

**12. Other Options**

The following alternative options have been considered:

- Advertise posts externally
  - o The Regulations set an ‘expectation’ that this is done

- Advertising externally will add 3-6 months to the appointments process. We will therefore not have tier 3 in place until Early-Late Summer 2023
- It would present considerable employment-law risk, regarding unfair dismissal and breach-of-contract claims
- Look to slot as many people into post as we can
  - This would provide a quick process and some certainty to the structure
  - However, it would also present employment-law risks
  - Culturally, it would look wrong and remove 'legitimacy' to appointments processes

### **13. Recommendations**

- The Panel endorses the processes to be run across the 5 councils initially, with any unfilled post going quickly to external search & advertising
  - Temporary arrangements, such as acting-up, reallocation of duties and interim appointments would be discussed at the time.
- Appointments Committees set up for each post.
- The Panel supports the format for the interviews (section 7), to include:
  - Delegation to the Chief Executive and relevant Executive Director for decisions on matching requests and shortlisting, in conjunction with the Leader of the Council.
- The Panel will review each job description, working with the Chief Executive and Executive Directors.
- The Panel notes the salary ranges represented and waits for further recommendation following job evaluation and structure for Tier 3 salaries (section 10.3).

**Chris Squire, Director of Customers, Digital & Workforce, Somerset County Council  
(Joint Lead for the LGR People Workstream)**

## Appendix One – Organisational Change Principles

The Organisational Change Principles that have been agreed to cover LGR reorganisation can be viewed in the following embedded document:



Organisational%20C  
hange%20Principles%



## Appendix Two – Job Descriptions

JDs have been written and can be viewed in the following folder:



OneDrive\_1\_31-01-2023.zip

Draft Corporate Responsibilities for the JDs have been produced, to be included in each of the Tier 3 JDs. These are as follows:

### EXECUTIVE DIRECTOR- CORPORATE OBJECTIVES

#### SOMERSET COUNCIL

Somerset's county and district councils have worked together with partners, City, town and parish councils and residents to create a new council which delivers for everyone.

With a population of 560,000 Somerset is a County of contrasts. Home to farming and engineering; manufacturer of cheese and cider but also the UK'S only helicopter maker; low skill jobs in the tourist industry vs high skilled jobs in the UK Hydrographic Office and Hinkley Point power station; picture postcard villages with limited public transport and bustling, thriving market towns with good road and rail links. The new council will harness the strengths of the previous district and county councils and enable us to put in place solutions that will help address the concerns and challenges that Somerset faces now and in the future.

At the heart of this new council is a commitment to local communities to give local people real power and real influence over the decisions that affect the most. Local community networks that engage with local voluntary and community organisations and put parish and town councils front and centre in their own areas are being established and will provide focus for local engagement.

#### SERVICE DIRECTOR - CORPORATE RESPONSIBILITIES

- Provide clear leadership to deliver the Council's strategic priorities and meet the Council's financial targets, as a member of the Council's Senior Leadership Team.
- Advise & guide Elected Members in respect of planning, operational and policy issues in relation to the *Name* Services teams.
- Lead the *Name* Service Operational teams with a clear identity in terms of its flexible and responsive ways of working, inclusive and diverse culture, and high level of employee engagement and wellbeing.
- Engage in strategic partnerships and promote and communicate the Council's services.
- Act as an ambassador for the Council promoting, both internally and externally, the Council's vision, strategic aims, and values.
- Value the diversity of Somerset's communities ensuring equality of access and treatment in service delivery and employment.
- Act as a role model for Somerset's vision and values. Promotes a culture of continuous improvement that encourages creativity and innovation to ensure services are efficient and responsive to local needs.
- Develop the potential and flexibility across the Council and its workforce including the motivation and development of employees within the *NameServices* teams.

- Ensure that all services place a high value on customer responsiveness by demonstrating a commitment to meeting and involving the broadest range of direct and indirect service users, citizens, customers, communities, and businesses, as well as defining performance measures linked to customer care.
- Leads and supports the delivery of the Council's key strategic aims and objectives ensuring understanding and commitment from managers and staff from across the *name*Services teams.
- Ensure that the Council can meet new challenges and initiatives by keeping abreast of challenges and opportunities facing public services, taking proactive steps to exert influence across the broad range of policy makers, public bodies, and suppliers.
- Support Corporate and Directorate specific transformational change programmes with the aim of maximising efficiency, modernising services, and achieving better outcomes and opportunities for service users and customers.
- Ensure flexibility in reacting to the needs of the Council, its' customers and partners supporting a culture of continuous improvement.
- Ensure compliance with all relevant legislation, organisational policy, and professional codes of conduct in order to uphold standards of best practise.
- Member of the corporate on call roster at strategic level to set strategy and co-ordinate at the tactical level activity when responding to internal and external emergencies/major incidents which may require a response during unsocial hours.
- Undertake relevant training and exercises commensurate with Strategic Officer responsibilities including but not limited to Multi-agency Gold Incident Commander (MAGIC).
- Accountable for compliance with all relevant health and safety legislation and Somerset Council H&S policies, ensuring there is effective resourcing and management of operations to deliver this.
- Act as change champion to translate organisational ambitions into real achievements. The role must balance internal and external focus to ensure the economic, social, and environmental wellbeing of the Council.

## Appendix Three – Salary Benchmarking

Salary benchmarking and proposals can be viewed in the following document



Somerset Council  
Service Director Pay 8

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## Senior Management (Tiers 2 and 3)

### Consultation Response

Version Final Draft v1.0

Status: Draft

Owner: Duncan Sharkey

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## 1. Introduction

1.1. Somerset County Council, working with Mendip, Sedgemoor, Somerset West & Taunton and South Somerset District Councils, opened consultation with staff on 10<sup>th</sup> November 2022, in respect of the following:

- The proposal for the Tiers 2 & 3 structure for Somerset Council
- A pre-transfer redundancy consultation in relation to the proposals for Tiers 2 & 3.

The consultation period ran until 12<sup>th</sup> December 2022 and the business case supporting this can be seen in Appendix One.

1.2. Following the closure of the consultation period, a decision was taken to proceed with the appointments processes for Tier 2 ('Executive Directors'). However, the formal response to the consultation on the structure and potential redundancies would follow the appointment to Tier 2 posts, so that the Chief Executive could discuss the feedback with his Executive Directors.

1.3. Feedback was provided to Unison, following its response to the consultations, which can be seen in Appendix Two

1.4. The purpose of this paper is to formally respond to staff and their representatives as to the outcome to the consultation on the Tiers 2 & 3 structure and the pre-transfer redundancy consultation. It outlines the themes of the responses, and any amendments made from the initial proposals relating to the Organisational Structure and Job Descriptions of Executive Director (Tier 2) and Service Director (Tier 3) roles as a result of the consideration of these responses.

1.5. There are no material changes to the posts described at Tiers 2 & 3 of the proposed structure.

1.6. This structure will have an impact on the commissioning and delivery of our services, and it is important that we have a sustainable senior leadership structure that is fit-for-purpose from Day 1 of the new Somerset Council as we look to realise positive change, including:

- Putting the people of Somerset at the heart of the new Authority.
- Creating new local opportunities for residents to have a real say about their own communities.
- Cutting red-tape.
- Freeing up money that can be spent on real local issues and challenges, including:
  - Caring for our most vulnerable residents
  - Delivering life-chances for our children and young people
  - Reducing rural isolation and loneliness
  - Delivering the housing each community needs

- Investing in climate change
- Boosting economic growth, jobs and apprenticeships.

## 2. Overview of feedback

2.1. There were 123 responses received by the LGR inbox during the consultation period, with a number of groups of staff submitting a collective response. These responses were thoughtful, concerned, and passionate for services, with some incredibly detailed replies.

Further responses for personal consideration were also received directly by the Chief Executive. A small number of responses to the email inbox were received shortly outside of the window, but these have also been considered and included in the analysis presented here.

All feedback has been considered in full by the Chief Executive and used to inform changes to the Tiers 2 & 3 structure, job roles, and the position of functions within service areas.

2.2. The breakdown of responses by current organisation is as follows:

<b>Current organisation</b>	<b>Number of responses*</b>
Mendip	21
Sedgemoor	7
Somerset County Council	47
Somerset West & Taunton	28
South Somerset	19
Other	7
	<b>134</b>

\*Note that in the majority of cases, responses related to more than one question or piece of feedback and for analysis, these have been broken down further into themes and type.

Responses have been provided directly to individual staff member(s) and are presented (anonymised) in Appendix Three. This document therefore focuses on the top themes raised, responses and actions taken

## 3. Headline analysis

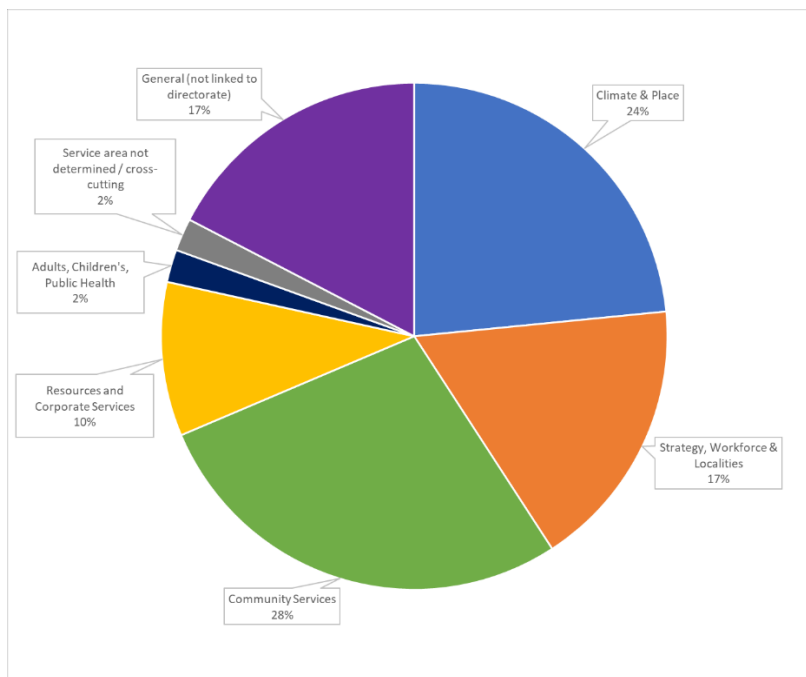
3.1. The detailed nature of the responses received shows that staff have given a considerable amount of thought to the proposals and recognise the challenge in creating a new organisational structure. As an overview, the nature of the comments received can be broadly broken down into types as follows:

- Approximately 26% feedback requested that a function be considered for movement to a different area or be aligned with another function in the structure
- Approximately 22% feedback asked for greater clarity about an element of the proposals

- Approximately 13% feedback related to functions, services or teams that respondents believe were missing from the structure
- Approximately 10% feedback focused on the Job Descriptions (with 3% of this about mandatory qualifications)
- Approximately 5% comments spoke about joint / collaborative working
- Approximately 3% feedback requested creation of a new role (splitting a wider function or promotion of a role to a higher tier)
- Approximately 3% feedback was confirmation that the respondent was happy with the placement of a specific function in the draft structure
- Approximately 3% feedback referred to uncertainty and anxiety for staff due to a lack of clarity about where they will be based in the new structure
- The remaining approximately 15% feedback related to general comments (e.g. processes, general observations, clarifications, agreement)

3.2. Figure One shows the breakdown of comments as they relate to different directorates. Where a comment related to movement of a function to another area, both directorates are counted:

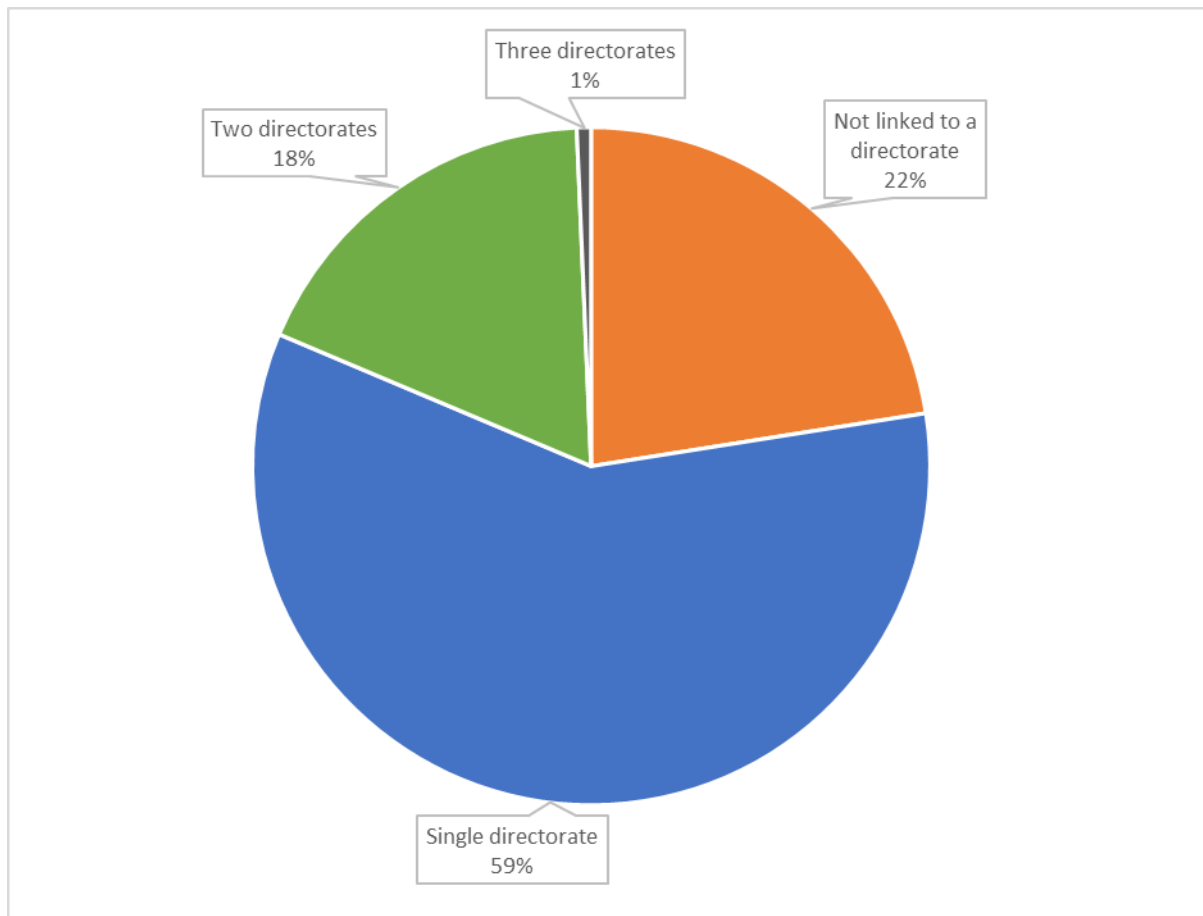
Figure 1 - Comments by Directorate



3.3. Furthermore, the following chart shows the breakdown of feedback as it related to the number of directorates referenced. Where two directorates were discussed in feedback, the highest frequency was received in relation to crossover of functions between Community Services and Climate and Place.



Figure 2 - Comments that reference > 1 Directorate



### 3.4. Moved / re-aligned functions

Over a quarter of the feedback received related to functions that people believed were not in the most appropriate place in the structure and full consideration has been given to the reasoning provided. Whilst there will inevitably be a cross-over of functions in some areas in an organisation of this size and complexity, it is important that services are grouped in a way that helps deliver the emerging corporate and business plans as well as the objectives for the LGR programme.

At the same time, it is important to ensure balance across the structure whilst maintaining operational synergies and this has led to challenging decisions about placement of certain functions. Therefore, the following sections in this document explain the rationale for changes as a result of the feedback received. Additionally, explanations have been provided regarding areas where there has been a high level of interest and no change has been made to the structure.

### 3.5. Clarity needed

Around 22% of feedback related to uncertainty about an element of the proposals, for example labelling and naming of functions, inclusion of certain functions in an area or grouping of functions together. In a number of areas, wording has been changed to better reflect the functions in the structure as a result of feedback received, and specific questions about the detail of a function have been responded to directly where possible.

### **3.6. “Missing” functions**

As this is a high-level structure, it has not been possible to list all of the services, and functions that currently run across the existing authorities. However, as a result of feedback received, a number of amendments have been made in order to give greater clarity to staff about the functions that sit under the Tier 3 structure.

### **3.7. General feedback**

There was also a number of general observations relating to a vast number of different topics, including but not limited to:

- Job descriptions
- Costs and funding
- Design principles
- Balance of the structure (e.g. spans of control and workload)
- At-risk roles, matching and recruitment
- Governance
- Competency frameworks
- Strategic thinking and forecasting
- Processes and models of working
- Transformation opportunities

The comprehensive thinking that has been provided has been incredibly valuable and this feedback will be taken forward for consideration by Executive Director and Service Director appointments, as part of the detailed planning that will be done for services and teams.

## **4. Themes**

This section provides responses to the main topics of queries.

### **4.1. General**

#### **Out of scope (including TUPE)**

Feedback was received relating to changes to areas that were out of scope for this consultation (Children’s, Adults and Public Health).

It is recognised that a number of existing functions (for example Community Safety) will have close synergies with those areas and this will need to be further considered as we transition into the new structure, however Adult Social Care, Children’s Services and Public Health are deemed to be out of scope of the restructure for Tiers 2; the roles that currently exist at Tiers 2 and 3 in these services will continue broadly unchanged.

Questions and responses regarding the TUPE consultation are being taken forward separately by each organisation, this consultation will continue to the end of March 2023.

#### **Joint working**

Feedback responses recognised that building a new organisational structure is a complex challenge, and there are some functions that could reasonably be placed

in a number of different service areas. Joint working and collaboration will need to be actively encouraged as this will be fundamental to the new organisation operating well, ensuring service areas are not siloed.

### **Commissioning**

Some uncertainty (2% of all feedback) was expressed around how commissioning would be taken forward in the new organisation. Developing a commissioning model and strategy for the new Council will be a key priority. There are differences in approach to commissioning amongst the five councils currently and commissioning is clearly going to be a significant part of how we work going forwards.

The renewed focus and approach to commissioning models will therefore need to be developed in greater detail as we move into the new organisation. The Lead Commissioner responsibility will be with the Executive Director for Strategy, Workforce and Localities.

### **Tier 3 roles**

Feedback related to the seniority of the Governance, Democratic & Legal Services (Monitoring Officer) and Workforce Service Director roles within the new organisation was received, with a small number of respondents asking for these roles to be considered as Tier 2 roles. On reflection, it was felt that these should both continue to be Tier 3 Service Director roles and not Tier 2 appointments. Tier 2 appointments are broad, 'outward-facing', strategic roles that will help set the vision and shape of our services and whilst these roles are critical to the running of the Council, this does not equate to them being Executive Director posts.

## **4.2. Specific**

### **Housing**

A significant amount (around 9%) of all feedback related to the organisation of Housing functions.

Feedback suggested that the anticipated size of the role of Service Director for Housing means that splitting this function would be worthy of consideration, with suggestions to divide Strategic and Housing Landlord functions.

Reviewing the structure of how other Unitary Councils are managing this area, it is appreciated that there are valid arguments for considering two Tier 3 Directors in this area with different foci. However, this would lead to a separation of functions where there are genuine operational synergies; the proposed Tier 3 role will be directing a strong and highly skilled team of colleagues at the Tier 4 level (an increase in capacity compared to several of the existing councils). The significant cost to the new organisation to gain further senior capacity at Tier 3 is therefore not felt to be necessary. Housing will be a critical function within the new authority, with key links across to other areas such as Public Health, Adults and Children's Social Care, and keeping these functions together brings exciting opportunities to look at how we co-ordinate the approach to housing challenges.

### **Private Sector Housing**

There were contradictory views about Private Sector Housing being held separately in Regulatory and Operational Services within Community Services, rather than under the Service Director for Housing, with an equal split of responses in favour of and against the current proposal.

There are different models for delivery of Private Sector Housing across the county currently and on reflection it is felt that as a core environmental health role, we need to make sure it remains focussed on private-sector condition and tenancies. Housing Services access to the private sector market shouldn't be affected by or conditional on the regulatory function but there are clearly benefits in working together. As is the case for many other functions, we need to encourage close working across services and directorates but this should not require people to be in the same directorate in order to do this effectively.

### **Affordable Housing and Enabling**

"Affordable Housing and Enabling" has moved from Housing (Community Services) to Employment, Economy and Planning (Climate and Place).

Feedback received from a number of responses outlined the different disciplines involved compared to those functions being managed under the Service Director for Housing. It was suggested that moving this function would enable better continuity of operations and synergy with planning and economic development, and thereby support working in partnership with a wide range of stakeholders and developers on housing supply initiatives, inward investment and economic growth.

### **Business Support and Executive PAs**

Concern was raised in a number of responses about where Business Support, Administrative and Executive PA functions would sit in the new organisation. Currently, Business Support varies from individuals based in operational teams to a more centralised approach within a service or directorate and we will need to decide how this will operate in the new council.

It is probable that a single central service would be unwieldy, so this will become a decision for the Chief Executive and Executive Directors.

### **Country Parks, Local Nature Recovery Strategy, Local Nature Reserves, AONB Partnerships (Countryside Services)**

"Country Parks" has moved from Regulatory and Operational (Community Services) to Climate, Environment and Sustainability (Climate and Place) and "Countryside" has been moved from Infrastructure and Transport (Climate and Place) to Climate, Environment and Sustainability (Climate and Place).

In the original proposals, aspects of Countryside services were split across directorates and this was mentioned in around 3% of all feedback, with unanimous agreement that these services would be most effective when brought together, as staff already work very closely to deliver a wide range of services to support Somerset's countryside.

These functions have therefore been aligned under the Climate and Place directorate and the wording describing this group has also been amended to better reflect the range of functions covered.

### **Address Management and GIS**

“Address Management (LLGP, LGS, Street Naming and Numbering)” has moved from Governance, Democratic & Legal Services (MO) (Strategy, Workforce and Localities) to Strategy and Performance (Strategy, Workforce and Localities) and wording describing this group has also been amended to clarify functions. “GIS” has moved from Customer Services (Community Services) to Strategy and Performance (Strategy, Workforce and Localities).

In the original proposals, these functions were separated and 4% of all feedback received indicated that these functions work very well operationally together, on a daily basis, and therefore it was felt that they should be aligned under the same Service Director. Additionally, combined knowledge and skill sets have already enabled successful collaboration within the LGR programme and it was felt that this change would support a positive transition into the new council.

### **Ombudsman cases**

“Ombudsman cases” has moved from Strategy and Performance (Strategy, Workforce and Localities) across to Customer Services (Community Services).

Feedback was received that this function would be more appropriately located with Complaints, being part of the same process, so this has been aligned.

### **Fairs and Markets**

“Fairs and Markets” have moved from Cultural Services (Community Services) to Regulatory and Operational Services (Community Services).

### **Communications**

“Communications” has moved from Partnership and Localities (Strategy, Workforce and Localities) to Strategy and Performance (Strategy, Workforce and Localities).

A strong Communications function is critical to manage the external output for our stakeholders, but also the internal focus necessary for a large and complex organisation. It was felt that Communications would benefit from being tied more closely to the wider development of strategy and policy, as well as to functions such as transformation and intelligence, so this function has been moved accordingly.

### **Armed Forces Covenant**

“Armed Forces Covenant” has moved from Partnership and Localities (Strategy, Workforce and Localities) to Strategy and Performance (Strategy, Workforce and Localities).

This function has been moved to align with Corporate Equality responsibilities.

### **Digital, Technology and IT**

“Digital – Development and Service” has moved from Customer Services (Community Services) to Strategy and Performance (Strategy, Workforce and Localities).

The initial structure showed the division of responsibilities of digital services that we offer to customers, commissioning the strategic development of the whole organisation as a digital council and specialist people who can deliver digital transformation and change. On reflection of the feedback received, more clarity

has been added to the structure around digital, technology and IT to describe functions more clearly.

### **Land Charges**

“Land Charges” has moved from Governance, Democratic & Legal Services (MO) (Strategy, Workforce and Localities) to Strategy and Performance (Strategy, Workforce and Localities).

This is related to the coordination of the overall function for Land Charges, the services responsible for holding the data for Land Charges will not change. It was suggested that this function would be more suitably aligned with Strategy and Performance, so this has been moved.

### **Building Control and Trading Standards**

Building control has been moved to Economy, Employment & Planning, alongside Trading Standards.

### **Emergency Planning / Business Continuity / Civil Contingencies**

There was a number of comments related to the placement of emergency planning and response functions in the new organisation, reflecting that this is a function that could be held in a number of areas. The logic of the current thinking is that a place focussed team that already has good links to the most common physical emergencies, dealing with a substantial number of issues every week that ‘could’ in some circumstances escalate into an emergency, means that the emergency response function is appropriately placed here.

### **Climate change**

There was some disappointment portrayed that action on climate change appears to be fragmented in the proposal. There is no organisational model where all climate actions are delivered in one directorate, and like our approach to commissioning, climate change will be required by all elements of the Council as one of our core objectives and is at the heart of the evolving Council Plan.

### **Tourism**

Around 2% queries focused on where Tourism functions should be placed in the new organisation, asking whether these would be more suitably placed with the Climate and Place directorate due to strong links to economic development.

On reflection, it is believed the current structure enables an increased ability to work in partnership in a more community focused operation so we can explore all ways of strengthening Somerset’s offer whilst still maintaining a focus on economic growth.

### **Community Safety and One Teams**

A number of respondents responded that One Teams and Community Safety do not sit well under Regulatory and Operational Services (Community Services) and therefore One Teams have been added to Partnerships and Localities (Strategy, Workforce and Localities) as this approach clearly aligns with the emerging thinking on Local Community Networks.

One Teams have been explicitly separated out from the Community Safety Partnership as feedback submitted identified a distinct function for One Teams

that is not entirely within the Community Safety domain. The Community Safety Partnership has been added to Public Health.

### **Strategic Asset Management**

Feedback strongly indicated that the proposed draft structure for Strategic Asset Management did not give enough clarity about the scope of the function, this has been articulated in greater detail in the finalised structure.

## **5. Amendments to Posts Following Consultation**

### **5.1. Changes to Job Descriptions**

Amendments have been made to both Tier 2 and 3 job descriptions to provide greater clarity, namely:

- Mandatory qualifications – around 3% of all comments related to whether qualifications should be included as “mandatory” for roles. There was significant feedback about equity and fairness in the approach to recruitment to ensure people are not dissuaded from applying for a role.

The qualifications that should be considered “mandatory” for a role were re-considered and a small number of amendments made accordingly to reflect suitable qualifications and their equivalents. Qualifications are now stated as mandatory only in the case of statutory roles (e.g. s151 officer) and where required in order to practice.

- Detail has been added to reflect the expectations more clearly around role and corporate responsibilities, with around 7% of all feedback focused on improvements to Job Descriptions.

The Tier 3 Job Descriptions can be viewed in Appendix Three.

### **5.2. Tier 2**

No fundamental changes to the Tier 2 structure were made as a result of the feedback received.

Changes to Executive Director (Tier 2) job titles and descriptions

- Amended from “Strategy, Performance and Localities” to “Strategies, Workforce and Localities” to better reflect the responsibilities of the role.
- Spelling correction made to the Executive Director of Community Services (from “Communities”).
- A clear reference to the Lead Commissioner function being part of the responsibility of the Executive Director of Strategy, Workforce & Localities has been added, and the reference has been removed from the Executive Director of Climate and Place.

### **5.3. Tier 3**

Following consideration of all the feedback received during consultation and discussions with the Tier 2 appointments, no fundamental changes have been made to the Tier 3 structure, with the exception of the movement of some functions as detailed in section 4.

Changes to Service Director (Tier 3) job titles and descriptions

- “Climate & Sustainability” has been amended to “Climate, Environment and Sustainability” to reflect the importance of the environment functions to influence decision making and programmes across the new authority.
- “Partnership, Localities and Communications” has been amended to “Partnership and Localities”
- “Human Resources” has been amended to “Workforce” to better reflect the broad range of functions under this role.

## 6. Organisational Structure changes

Changes to the structure chart fall under the following categories:

- Wording has been added, changed or removed to give greater clarity about the functions that sit under the structure at Tier 3
- The function has moved within the directorate, to fall under the responsibility of a different Service Director
- The function has moved across to a different directorate, falling under the responsibility of a different Service and Executive Director

Main themes and rationale for moving functions has already been covered in section 4. The following section details all changes made compared to the original proposal.

### 6.1. Climate and Place

#### *Climate, Environment and Sustainability*

- Strategy and Partnership development - added
- Climate Resilience and Adaptation – added “Adaptation”
- EV infrastructure - removed
- Green Links – removed
- Biodiversity (and net gain) and Ecology – added “net gain and Ecology”
- Lead Local Flood Authority & Land Drainage – acronym expanded (from “LLFA”) and Land Drainage added
- Country Parks, Local Nature Recovery Strategy, Local Nature Reserves, AONB Partnerships (Countryside Services) – “Country Parks” has moved from Community Services (Regulatory and Operational), “Countryside” has moved from Infrastructure and Transport. Wording has been amended to better reflect the range of functions covered.

#### *Infrastructure and Transport*

- Public Rights of Way – “Public” added, “Countryside” moved to Climate, Environment and Sustainability
- Road Safety – added
- Delivery Programme Management – added
- Infrastructure Commissioning - added

#### *Economy, Employment and Planning*

- Affordable Housing and Enabling – moved from Community Services (Housing)



- Education Business Partnership – added
- Economic infrastructure, services and Innovation Centres – added “Economic infrastructure, services”
- Scientific Services - added

## **6.2. Community Services**

### *Housing*

- Strategy and HRA Business Plan – “HRA Business Plan” added (Housing Revenue Account)
- Arm’s Length Management Organisation – amended from “Partnerships and ALMO”
- Homelessness – Rough sleepers pathway – “street support” removed
- Housing Options & Allocations – Homefinder Somerset – “Homefinder Somerset” added
- Housing and Leaseholder Management – added
- Housing Maintenance – Responsive and Planned (capital programme), compliance, void management – “compliance, void management” added
- Tenant Services – Worklessness & Tenancy Management (new tenancies, income, debt and benefit support, rent setting, service charges tenancy compliance) – “income”, “rent setting”, “service charges” added, “anti-social behaviour” removed
- Somerset Independence Plus and financial assistance – DFG, loans, advice – added
- Housing Property Service – added
- Rent collection and arrears recovery – removed
- Registered Providers and Partnerships – amended wording to separate from ALMO
- Gypsy, Traveller and Van Dweller Services – added “Van Dweller”

### *Customer Services*

- Compliments & Complaints, Ombudsman cases – “Ombudsman cases” moved from Strategy, Workforce and Localities (Strategy and Performance)
- Digital Services (inc. GIS, online content) – moved to Strategy, Workforce and Localities (Strategy and Performance)

### *Cultural Services*

- Leisure Centres, Facilities and Services (contract and direct) – “Facilities and Services (contract and direct)” added
- Sports Development Partnership – “Partnership” added
- Heritage Assets – “Assets” added
- Arts Centres, Facilities, Services and Development – added “Centres, Facilities, Services”

- Culture Facilities, Services and Development – added “Facilities, Services”
- Tourism Facilities, Services and Development – added “Facilities, Services”
- Community Facilities – added
- Fairs and Market – typo corrected to “Fairs and Markets” and moved to Regulatory and Operational Services.

#### *Regulatory and Operational Services*

- Environmental Health and Licensing – “Licensing” added
- Environmental Protection and Enviro-crime – “Enviro-crime added”
- Port Health Authority – “Health” added
- CCTV and anti-social behaviour – reworded from “Community Safety (Partnership, CCTV, anti-social behaviour, other)”
- Country Parks – moved to Climate and Place (Climate, Environment and Sustainability)
- Beach Management – added
- Unauthorised encampments – added
- Operational Service to Partners – “Operational” added
- Fairs and Markets – moved from Cultural Services

### **6.3. Strategy, Workforce and Localities**

#### *Partnership and Localities*

- Local Community Networks – amended from “LCNs (management and support)”
- Communications – moved to Strategy and Performance
- Local devolution – Community Asset Transfers, Service devolution – “Service devolution” added
- Community, Voluntary, Faith, Social Enterprise Strategy and Engagement – reworded to reflect full range of VCFSE
- Marketing – removed
- Engagement – “Consultation” removed
- Locality management, delivery, partnerships and projects – reworded from “Locality partnerships/projects & Community Development”
- One Teams – added
- Community Development – added as a separate bullet
- Armed Forces Covenant – moved to Strategy and Performance

#### *Strategy and Performance*

- Communications – moved from Partnership and Localities
- Programme Management, Project Management – combined under a single bullet

- Change and Improvement – added
- Business Intelligence and Analysis – added “Intelligence”
- Data Visualisation & Complex Analytics, Data Management / Warehousing – combined under a single bullet
- Digital Development and Service – moved from Customers Services (Community Services)
- Ombudsman and Housing Ombudsman complaints – moved to Customer Services (Community Services)
- Address Management (LLGP, LGS, Street Naming and Numbering) – moved from Governance, Democratic & Legal Services (MO) and reworded to better reflect the functions covered
- Land Charges – moved from Governance, Democratic & Legal Services (MO)
- GIS – moved from Customers Services (Community Services)
- Corporate Equality and Armed Forces Covenant – “Corporate” added and “Armed Forces Covenant” moved from Partnership and Localities

*Governance, Democratic & Legal Services (MO)*

- Member Services and Casework – added “Casework”
- Elections Operation – added “Operation”
- Electoral Registration – added
- Information Governance and Records Management inc. GDPR, FOI, RIPA – reworded for clarity from “GDPR, FOI, RIPA”
- Corporate Governance Framework - added
- Annual Governance Statement - added
- Whistleblowing - added
- Officer Code of Conduct - added
- School Admission, Exclusion and Transport Appeal Hearings - added
- Civic & Ceremonial Duties - added
- Legal Services: Child Protection Legal Services, Adults Services Legal Services, Commercial and Contracts Legal Services, Property and Conveyancing Legal Services and Employment Legal Services - added

*Workforce*

- Workforce Strategy and Planning – replaced “HR” with “Workforce”
- Operations – reworded from “HR Operations”
- Business Partnering – reworded from “HR Business Partnering”
- Recruitment - removed

**6.4. Resources and Corporate Services (s151)**

*Finance*

- Housing Revenue Account Financial Strategy - added

### *Strategic Asset Management*

All existing wording removed and replaced for clarity, previous wording:

- Property and Assets - removed
- Compliance - removed
- Development & Capital Programmes - removed
- Schools Programme - removed
- Facilities Management - removed
- Commercial Investment Portfolio - removed
- Commercial Property - removed
- Closed Graveyards - removed
- Site protection and management - removed

New wording:

- Corporate Landlord function (land and property asset management) - added
- Asset management strategy - added
- Estates and Valuations - added
- Rural estate management - added
- Site acquisition, disposal and development - added
- Property records & database - added
- Commercial investment property - added
- Facilities management, premises contracts, property maintenance & helpdesk - added
- Premises compliance & risk management, site security and management - added
- Closed churchyards - added
- Schools & general fund condition programme - added
- Estate decarbonisation strategy and delivery - added
- Construction project delivery – schools and major projects advice & internal consultancy support - added

### *Information Communication Technology*

- Technical Project delivery - added
- Application development – added
- Innovation, research and development – added
- Project pipeline – added
- Supplier Management -added

- Service Management – added
- Future Technology – added

#### **6.5. Other directorates**

- Adults, Service Director Operations – “Care / Alarm Lines and Rapid Responders” has been added
- Public Health:
  - Community Safety Partnership – added
  - Domestic Abuse – added
  - VRU/VAWG - added

### **7. Conclusion**

Thank you to all staff who provided valuable feedback during the consultation period. This exercise has shown the huge benefits of consultation, the breadth and depth of knowledge across our 5 organisations, and the passion and commitment for services amongst staff.

There will be services and functions that we haven't yet addressed, and this is to be expected given the size and scale of Somerset Council. However, there are areas that need to be addressed urgently, for example business support and the mailroom. I ask that colleagues continue working as they are, but please talk with your manager or trade union representative if you feel you have been left out.

The priority for 1<sup>st</sup> April is to deliver a good, functioning new Council, and this will be followed by transformation which may see teams and functions evolving in different directions. If this structure does not appear to meet our organisational objectives, it is important we are able to address concerns and consider future changes with appropriate consultation as required. Whilst this structure is not expected to be transitional, we should be able to improve as we bring the new organisation together under a single identity and culture.

**Duncan Sharkey, Chief Executive**

31<sup>st</sup> January 2023

## **Appendix One – Consultation to Support Somerset Council Tiers 2 & 3 Restructure**

The Consultation Paper to support Somerset Council Tiers 2 & 3 Restructure can be viewed in this attachment:



Somerset Council  
Tiers 2 & 3 Restructur

## Appendix Two – Feedback to Unison’s Response to the Consultation

Unison responded to the consultation, and the reply can be viewed in this attachment:



DS.ltr to Unions 15th  
Dec 2022.pdf

## **Appendix Three – Service Director Job Descriptions**

Job Descriptions for Service Directors can be viewed in the attached folder:



OneDrive\_1\_31-01-2023.zip



# Somerset Council

## Key Principles of Organisational Change

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# Organisational Change Principles and Approach

## 1. Introduction

- The principles described in this document have been developed to underpin change and consultation processes, as we merge five councils into one. They follow extensive consultation and conversations with trade unions, chief executives, HR staff, politicians and leadership teams and will apply to all posts impacted by the creation of Somerset Council.
- These principles are presented in recognition that organisational change is essential to the delivery of a successful Somerset Council and will be key to improving services and reducing costs. It is recognised that they need to be both legally compliant and handled appropriately to avoid damage to morale and motivation among employees, with the resulting negative consequences for service standards.
- Therefore, these principles aim to ensure that organisational change is conducted through fair, non-discriminatory and consistent procedures that put communication with employees, listening to employees concerns and addressing those concerns at the heart of the process.
- The principles will be established in consultation with our recognised Trade Unions and other key stakeholders.
- Underpinning the principles set out below, the resulting processes will be implemented with a commitment to transparency, appropriate and timely sharing of information and good employee relations / partnership working.
- There is a desire to avoid the need for compulsory redundancies wherever possible. Voluntary redundancies may be sought or requested prior to Vesting Day and consideration will be given to requests for other arrangements, such as early retirement.
- The initial organisation design that will be consulted on will be tier 2 (direct reports of the CEO) and tier 3 (direct reports to typically tier 2 posts) before we move to the other staff groups.
- Information regarding staffing numbers will be as accurate as can be achieved across the five organisations, however will provide for flexibility during the implementation period. This will allow us to adapt to reflect our learning during the different implementation phases. Recognised Trade Unions will be consulted at each phase of organisational design development.
- All new roles will be evaluated using the County Council's existing job evaluation process. Existing roles that continue unchanged after Vesting Day will not routinely be re-evaluated as part of this organisational change.

## 2. Types of Change

- 2.1. The broad types of change that the Organisational Change Procedure will cover are:
- Creation of a single organisation under the SCO (Structural Changes Order)
  - Recruitment to Tiers 2 & 3 of the Senior Leadership Team
  - Internal restructuring and realignment of services post 1<sup>st</sup> April 2023

2.2. The key features of organisational change, under these headings, are those that may alter some or all of the following dimensions:

- Organisational structure
- Reporting lines
- Pay or other terms and conditions of service
- Contractual entitlements
- Work patterns
- Work location
- Numbers of posts
- Nature of roles and main responsibilities / duties

### **3. Equality Considerations**

3.1. The move from 5 Somerset Councils to one organisation in April 2023 will have a significant impact, now and beyond, as the Councils transition and transform into one Council. At the present time and based on the principles set out in this document, specific equality impacts are hard to discern. It is nevertheless recognised that during any period of significant change there will likely be equality impacts upon a number of protected characteristics. We recognise that workplace change can cause anxiety and that anxiety levels may be greater amongst some employees who fall with protected characteristic groups.

3.2. As set in 2.2 and the general principles, there are a number of specific factors that will support the transformation to one Council. Individual Equality Impact Assessments will be undertaken against the majority of these and using data and consultation, more in depth analysis of the impacts on the protected characteristics will be undertaken.

### **4. Restructuring**

#### **4.1. General principles**

4.1.1. An initial briefing will be held with trade union representatives. The aim will be to brief trade unions a minimum of 3 days prior to speaking with affected staff.

4.1.2. Where individuals may be at risk of redundancy (i.e., where it is proposed to remove their existing role) individual briefings will be held with each individual ahead of any meeting with all affected employees and trade union representatives

4.1.3. A meeting with all affected employees and their trade union representatives will be held at an early stage to enable all to input to the proposals.

4.1.4. The following information will be provided to affected employees and trade union representatives:

- Rationale for change including a business case and Equality Impact Assessment.
- Current and proposed people structure.

- Essential skills and competencies required for the new structure and any likely training requirements.
  - People/person specifications and job descriptions for roles in the new structure.
  - Proposed method by which employees will be selected for posts.
  - The anticipated timeframe for consultation.
  - Feedback methods through the consultation process.
  - Process to be followed once the consultation period concludes.
- 4.1.5. The consultation period will allow employees and their representatives sufficient time to consider the proposals fully.
- 4.1.6. Meetings will be held with employees and their representatives to provide feedback on concerns throughout the change process and facilitate dialogue on solutions to areas of concern. Employees will be given an opportunity to meet with their representatives prior and/or after the meetings.
- 4.1.7. Formal meetings with individual employees over the proposals will allow for the right to be accompanied by a colleague or Trade Union representative throughout the process.
- 4.1.8. For any area subject to restructuring a set of job descriptions for new posts will be available.
- 4.1.9. Posts shall be filled utilising slotting in and ring-fencing (where appropriate) during a first round of selection
- 4.1.10. Eligibility for slotting in and ring-fencing will be based on an individual's substantive post.
- 4.1.11. Slotting-in without the need to go through an application or selection process will apply where there has been no significant change in the duties and responsibilities of a post following restructuring and where the number of posts available is equal to or more than the number of existing post holders in the workplace unit. No significant change is defined as 75% the same job content before and after restructuring. For slotting-in, it needs to be clear that there are no other employees impacted by the restructure that could have a comparable claim on the post, including those who have been displaced from other roles where the post might be deemed to be suitable alternative employment.
- 4.1.12. Ring-fencing of applications for posts in a new structure will apply where the former unit/units contained posts that carried substantially the same duties and responsibilities, but the number of employees exceeds the number of posts available in the new unit. Also, consideration needs to be given as to whether there are other employees impacted by the restructure that could have a claim on the posts.
- The criteria utilised to decide on the application of slotting and ring-fencing procedures for each role will be the subject of consultation with the relevant Trade Unions. The purpose will be to establish fair, objective, consistently applied job related criteria, backed by evidence. The criteria will be non-discriminatory against all characteristics protected under the Equalities Act 2010 and supported by an Equality Impact Assessment.
  - Where ring-fencing is used to fill a post, candidates may need to produce a CV as part of the process.

- 4.1.13. It is possible that a post cannot be filled via a Slotting or Ring-Fencing process, perhaps because there is doubt as to whether any relevant population for ring fencing can be identified fairly. In such cases, the role will be advertised internally across the five councils (the new council from 1st April 2023). Potential candidates will be asked to provide a CV plus a statement setting out how they fit the selection criteria outlined in the person specification.
- 4.1.14. Posts that cannot be filled through internal application will be advertised externally as soon as possible. This may happen whilst a post is being advertised, priority will always be given to staff who are at-risk of redundancy.

## **4.2. Senior Leadership Team Officers tiers 2 and 3 in the hierarchy**

For appointments to Senior Leadership Team Officers, the following approach will be adopted.

- 4.2.1. Appointments to posts that fall within this category will follow the process as specified in Somerset County Council's Constitution and therefore must involve Elected Members and an Appointments Panel & Appointments Committee.
- 4.2.2. The process used for appointments will be decided by the Appointments Panel, which will appoint the Appointments Committee to undertake the appointments process.
- 4.2.3. The ring-fenced population for posts will be decided in consultation with the trade unions and in accordance with these key principles. Establishing the population for ring fencing will include the essential criteria of the role, the individual's skill set match, current role, span of control and position in the existing hierarchy. There may be examples of similar roles sitting in different tiers, in respective organisations, and this process will take account of those.
- 4.2.4. Where an appointment is made prior to any new terms and conditions for Somerset Council coming into force, Somerset County Council terms will be used.
- 4.2.5. 'Slot-ins' will receive their current terms & conditions, although salaries may be reviewed by the chief executive/manager in accordance with existing processes. If the salary for the role is increased following this review (outside of annual cost of living increases), then the postholder will have the option to move to Somerset Council terms & conditions in return for accepting the new salary.
- 4.2.6. Appointments for tiers 2 and 3 will take effect from 1st April 2023 unless agreed between the Chief Executive, designate appointment and the current employing organisation.
- 4.2.7. Those employees who are unsuccessful at their current hierarchical level, will be given the opportunity to apply for vacancies that come available at the next tier below, subject to arrangements reflecting slot-ins or ring-fencing.
- 4.2.8. Chief executives in Somerset local authorities may apply for posts tiers 2 & 3 in the new structure, subject to arrangements reflecting slot-ins or ring-fencing.
- 4.2.9. Should these employees remain unsuccessful at Vesting Day, they will be subject to a redundancy process which will follow processes specified in Somerset Council's Constitution. Typically, this will apply to senior leadership roles and/or redundancy costs that exceed £100k. Redundancy payments will

be in line with their transferring terms & conditions of employment, subject to any agreed changes.

4.2.10. Employees who are issued with notice of redundancy will have the right to appeal against the decision to make them compulsorily redundant.

4.2.11. Appointments processes to tiers 2 & 3 will be supported by a voluntary redundancy programme (the precise details, including the timing and entitlement rules, of which are to be determined), in line with contractual redundancy multipliers.

#### **4.3. All other posts**

For all other posts, the selection process and criteria will be the subject of consultation with the recognised Trade Unions. Skill set, essential role criteria, current salary position, current role scope and hierarchical level will be factors in determining the ring-fenced population.

4.3.1. Those employees who are unsuccessful at their current hierarchical level, will be given the opportunity to apply for any vacancies that are available at other tiers, subject to the requirements of processes for slotting-in and ring-fencing and relevant HR policies.

4.3.2. For posts that remain unfilled, priority will be given to applications from employees who are either “at risk” of redundancy or been issued notice of redundancy and who meet the essential criteria of the role or would be able to do so within a reasonable timeframe with suitable training

4.3.3. If a post remains vacant, the post will be advertised internally across the Council. If the post remains vacant after an internal advert, it is possible at this stage to go to external advertisement.

4.3.4. Employees who have been issued with notice of redundancy will have the right to appeal against the decision to make them compulsorily redundant.

#### **5. Redeployment**

5.1.1. “At risk” employees will be entitled to consideration for redeployment to suitable alternative employment where they meet all the essential criteria for the post or would be able to do so within a reasonable timeframe with suitable training. If there is more than one “at risk” employee for such a post, then a decision will be made as to who is most suitable as against the criteria for the role.

5.1.2. “At risk” employees will be kept aware of posts which could be considered as suitable alternative employment for an initial period of four weeks, following which progress should be reviewed with the employee and the designated manager.

5.1.3. Where an application is successful, the redeployee will be entitled to a trial period of four weeks following which the redeployment will either be identified as successful, or the redeployee will return to the redundancy process.

5.1.4. During the 4 weeks of the trial period, the redeployee will continue to have their salary and other benefits paid by the “outgoing” service area.

5.1.5. Where redeployment is mutually deemed successful by both parties, this will be confirmed in writing to the redeployee. The employee will then adopt the terms & conditions of their new post, which will include any applicable arrangements for pay protection.

5.1.6. In accordance with the statutory duty, employees on maternity, adoption or shared parental leave will be offered suitable alternative employment, if it is available, without competition. They will be given relevant support where required e.g., training.

## **6. Avoiding Redundancies**

Where redundancies are proposed, compulsory redundancy will always represent a last resort in the process of organisational change.

All options for avoiding compulsory redundancy will be explored, including:

- 6.1.1. Limiting the refilling of posts on a permanent basis when employees leave the organisation.
- 6.1.2. Restrictions on recruitment.
- 6.1.3. Opportunities for secondments across the organisation.
- 6.1.4. Seeking volunteers for job-share or part-time work.
- 6.1.5. Retraining existing employees to cover any skills gaps.
- 6.1.6. Agency resource to cover fluctuations in requirements and to ensure redeployment opportunities are available for permanent staff.
- 6.1.7. Redeployment of employees, within their contract of employment, to suitable alternative employment.
- 6.1.8. If appropriate, seeking volunteers for voluntary redundancy or early retirement. This would not be appropriate for example where it is likely others would not be able to be redeployed.
- 6.1.9. Other cost saving measures that preclude the need for redundancy.
- 6.1.10. However, where it first becomes apparent that the proposal for restructuring potentially entails compulsory redundancies, consultation shall take place with employees and their representatives that allows genuine and meaningful consideration of ways to avoid redundancy.
- 6.1.11. By law, where the number of proposed redundancies exceeds 99 employees over a period of 90 days or less, formal consultation will begin at least 45 days before the first dismissal takes effect. Where less than 100 but more than 20 redundancies are proposed, formal consultation will begin at least 30 days before the first dismissal takes effect.
- 6.1.12. If the number of proposed redundancies meets the thresholds set out in 5.1.11 above, employee representatives will be provided with the following written information in the form of a business case and Equality Impact Assessment at the earliest opportunity:
  - The reasons for the proposed dismissals.
  - The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
  - The total number of employees of any such description employed by the employer at the location/s in question.
  - The proposed method of selecting employees who may be dismissed.

- The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- The proposed method of calculating the amount of any redundancy payments to be made (to employees who may be dismissed).
- The number of agency workers working temporarily for and under the supervision and direction of the employer.
- The parts of the employer's organisation in which agency workers are working.
- The type of work agency workers carry-out.

6.1.13. Consultation will take place with trade unions, as required, over the criteria by which employees will be selected for redundancy.

6.1.14. The criteria will be fair, objective, consistently applied job related criteria, backed by evidence where possible. They will be non-discriminatory on the grounds of sex, sexual orientation, race, disability, religion or belief, gender reassignment, marriage and civil partnership, maternity and pregnancy or age. They will also not discriminate on the grounds of trade union membership, or part-time status or fixed-term contract status.

## **7. Redundancy payments**

7.1.1. Employees with at least two years continuous service will as a minimum be entitled to a statutory redundancy payment in line with Government guidelines.

7.1.2. Depending on the circumstances, the organisation may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

7.1.3. A contractual redundancy payment will be as per the policy of the individual's employer pre-April 2023, unless at the time of the redundancy an individual has accepted a post and moved to Somerset Council's terms & conditions.



## Appendix Five – Equalities Impact Assessment

# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for

Somerset County Council, as the continuing authority to Somerset Council

Version

V2 - draft

Date Completed

08/11/2022

### Description of what is being impact assessed

Somerset Council will become the new Unitary authority as of 1<sup>st</sup> April 2023. As part of the creation of the single organisation under the SCO (Structural Changes Order) there will be a restructure and recruitment exercise of tiers 2 & 3 of the Senior Leadership Team, this is an internal process.

This EIA considers the equality impacts of this change.

### Evidence

**What data/information have you used to assess how this policy/service might impact on protected groups?** Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Workforce data for tiers 2-3 across all 5 Councils has been considered.

The specific data for each Council is not being published as for some Councils the numbers are small and may identify individuals. Instead, whilst all the equality data has been considered, the below collective data is being published:

Total number of posts affected: 48

Total number of employees affected: 44

**Sex**

Male: 48%

Female: 52%

**Disability**

Not known: 36%

The data does highlight that more than one employee has declared a disability

**Race & Ethnicity**

The data does highlight that one or more employees have declared their ethnicity as being from an ethnic minority group.

**Age**

54yrs & under 48 %

55yrs & over: 52%

**Who have you consulted with to assess possible impact on protected groups?** If you have not consulted other people, please explain why?

LGR People's Equality, Diversity and Inclusion representatives from 5 Councils. Unions through informal JNF, HR Committee & affected staff will be consulted with

Analysis of impact on protected groups					
<p>The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.</p>					
Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome	
Age	<ul style="list-style-type: none"> <li>Some employees who are older and may have been in their current posts for some time, may have less recent experience of undertaking a recruitment process and therefore may have increased anxiety in relation to this.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Disability	<ul style="list-style-type: none"> <li>Some employees with disabilities may find recruitment exercises more challenging. For example, employees who identify as neurodiverse may find the format of interviews and /or assessments challenges and require reasonable adjustments.</li> <li>Some employees with disabilities may experience greater levels of anxiety associated with significant change.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gender reassignment	<ul style="list-style-type: none"> <li>The protected characteristic of gender reassignment has been considered and no specific impact identified.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marriage and civil partnership	<ul style="list-style-type: none"> <li>The protected characteristic of marriage and civil partnership has been considered and no specific impact identified.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>The protected characteristic of pregnancy and maternity has been considered and no specific impact identified.</li> </ul>	☐	☐	☐
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>The protected characteristic of race and ethnicity has been considered and no specific impact identified.</li> </ul>	☐	☐	☐
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>The protected characteristic of religion or belief has been considered and no specific impact identified.</li> </ul>	☐	☐	☐
<b>Sex</b>	<ul style="list-style-type: none"> <li>There are more women than men that will be affected by this process.</li> </ul>	☐	☐	☐
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>The protected characteristic of sexual orientation has been considered and no specific impact identified.</li> </ul>	☐	☐	☐
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>No specific impact identified.</li> </ul>	☐	☐	☐

<b>Negative outcomes action plan</b>				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
<b>Action taken/to be taken</b>	<b>Date</b>	<b>Person responsible</b>	<b>How will it be monitored?</b>	<b>Action complete</b>
Provide guidance and signposting to all candidates in relation to recruitment support	Ongoing	LGR People Workstream	LGR People Workstream	<input type="checkbox"/>
Post-recruitment support & feedback	Ongoing	CEOs & HR Leads	LGR People Workstream	<input type="checkbox"/>
Ensure all candidates are able to request reasonable adjustments for any recruitment process	Ongoing	HR Recruitment Manager & HR Equalities Employment Officer	LGR People Workstream	<input type="checkbox"/>
Provision of E&D training for all decision-making panel members	Ongoing	HR Equalities Employment Officer	LGR People Workstream	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
<b>If negative impacts remain, please provide an explanation below.</b>				

<b>Completed by:</b>	
<b>Date</b>	
<b>Signed off by:</b>	
<b>Date</b>	
<b>Equality Lead/Manager sign off date:</b>	
<b>To be reviewed by: (officer name)</b>	
<b>Review date:</b>	