
Recruitment to Tier 3 Posts in Somerset Council

Appointments Committees Briefing Paper

Lead Member: Cllr Bill Revans

Division and Local Member: n/a

Lead Officer: Duncan Sharkey

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1. Background

1.1 Somerset Council will be established on 1st 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 22nd 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 10th November 2022 to 12th 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 1st 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 22nd 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 12th 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 22nd 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 1st 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 6th 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

Appendix One – Structure for Somerset Council

The Tiers 2 & 3 structure can be seen in the following embedded document:

Appendix Two – Appointments Panel Briefing Paper

The briefing paper for the Appointments Panel can be viewed in the following embedded document:

Appendix Three – Somerset Council Tiers 2 & 3 Restructure Proposal and Pre-Transfer Redundancy Consultation

The consultation paper for Tiers 2 & 3 Restructuring and the Pre-Transfer Redundancy Consultation can be viewed in the following embedded document.

Appendix Four – Organisational Change Principles

The principles that have been agreed to govern Organisational Change for Somerset Council can be viewed in the attached embedded document

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 Council

Version

V2

Date Completed

14/02/2023

Description of what is being impact assessed

Somerset Council will become the new Unitary authority as of 1st 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 below data represents those posts that will no longer exist from 1st April 2023.

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%

Please note any of the 5 Council's employees may apply for any of the Tier 3 posts (see attached workforce data sets for each Council).



SWT Equalities.docx



SDC Info required by
HR - Staffing - Sept 2



SSDC



MDC Copy of Equals



SCC Equalities
Data.docx

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 and formal JNF, legal advisers when and where appropriate, HR Committee and all affected staff have been consulted with.

Analysis of impact on protected groups

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.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> 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. 	☒	☐	☐
Disability	<ul style="list-style-type: none"> 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. Some employees with disabilities may experience greater levels of anxiety associated with significant change. 	☒	☐	☐
Gender reassignment	<ul style="list-style-type: none"> The protected characteristic of gender reassignment has been considered and no specific impact identified. 	☐	☐	☐

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

Negative outcomes action plan

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.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Provide guidance and signposting to all candidates in relation to recruitment support. To include both support around the recruitment process and support for Wellbeing.	Complete	LGR People Workstream	LGR People Workstream	<input checked="" type="checkbox"/>
Post-recruitment support & feedback for candidates. For Service Director roles the relevant Executive Director will notify candidates of shortlisting and offer a 1-2-1 discussion with any unsuccessful candidate.	March '23	CEOs & HR Leads/	LGR People Workstream	<input type="checkbox"/>
Ensure all candidates are able to request reasonable adjustments for any recruitment process. This will be part of Faerfield's role.	Ongoing	HR Recruitment Manager & HR Equalities Employment Officer	LGR People Workstream	<input type="checkbox"/>
Provision of E&D and unconscious bias training for all decision-making panel members	Feb/March '23	HR Equalities Employment Officer	LGR People Workstream	<input type="checkbox"/>
Ensure consideration is given to the diversity of staff and stakeholder panels. This should include inviting employees from staff networks to participate.	Feb/March '23	LGR Recruitment Sub-Workstream/Equalities Lead	LGR People Workstream	<input type="checkbox"/>
Use of Faerfield as an independent to carry out initial sifting/shortlisting to eliminate the possibility of	Ongoing	LGR Recruitment Sub-Workstream Leads	LGR People Workstream	<input type="checkbox"/>

unconscious bias guiding decisions at this early stage.				
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Michelle Anderson 14/02/2023			
Date				
Signed off by:				
Date				
Equality Lead/Manager sign off date:	Michelle Anderson 14/02/2023			
To be reviewed by: (officer name)				
Review date:				