

Report of the Chief Executive – Senior Leadership Structure, Appointments and Designation of Statutory Roles

Lead Member: Cllr Bill Revans – Leader of the Council

Division and Local Member: n/a

Lead Officer: Duncan Sharkey – Chief Executive

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1. Summary

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 establish Somerset Council has the following objectives:

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

1.2. 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 Local Government Reorganisation (LGR) programme is now completing the appointment of Executive Directors and Service Directors of the senior leadership team ('tiers two & three') for the new Council.

1.3. On 18 March 2022 the Secretary of State made the Somerset (Structural Changes) Order 2022 (SCO). The SCO sets out and enables the implementation of local government reorganisation in Somerset. 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.

- 1.4.** A consultation on the proposed new senior leadership structure at Tiers 2 and 3 and pre-transfer collective redundancy consultations, across the four district councils and the County Council, took place from 10th November 2022 to 12th December 2022. This consultation 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.
- 1.5.** The Chief Executive has already taken a decision, following appropriate consultation (as detailed below), in respect of the Tier 2 leadership structure. Processes to appoint to Executive Director ('Tier 2') posts in Somerset Council were completed in January 2023 (subject to required agreement at a meeting of the Council), specifically:
- Executive Director of Climate & Place
 - Executive Director of Community Services
 - Executive Director of Resources & Corporate Services (S151 Officer)
 - Executive Director of Strategy, Workforce & Localities
- 1.6.** The Appointments Committees, at their meetings on 12th, 13th, 16th and 17th January 2023 recommend the following appointments, for endorsement by the meeting of Full Council:
- Executive Director of Resources & Corporate Services (and designation as the Council's statutory Chief Finance Officer / Section 151 officer) – Jason Vaughan
 - Executive Director of Community Services – Chris Hall
 - Executive Director of Strategy, Workforce & Localities – Alyn Jones
 - Executive Director of Climate & Place – Mickey Green
- 1.7.** The Appointments Committee, at its meeting on 12th January 2023, recommends to the meeting of Full Council on 22nd February that Jason Vaughan, Director of Finance & Governance, Somerset County Council, is appointed as the Executive Director of Resources & Corporate Services for Somerset Council and that Full Council are recommended to appoint and designate Jason Vaughan with the statutory functions of the statutory Chief Finance Officer / Section 151 Officer for Somerset Council.

- 1.8.** The appointments have been made in accordance with the terms and conditions governing the posts and in accordance with the powers delegated to the Chief Executive (as Head of Paid Service) and the Appointments Committees. The meeting of Full Council is also asked to endorse the salaries for the Executive Director roles and, furthermore, to endorse the salary structure for Service Director ('Tier 3') posts.
- 1.9.** The implementation of the new structure will also see changes to job titles for other statutory chief officers whose roles are unchanged in the structure. The meeting of Full Council is therefore recommended to designate and empower the following roles, respectively, with the statutory chief officer functions and powers of Director of Adult Social Services, Director of Children's Services and Director of Public Health:
- Executive Director of Adult & Health Services (Mel Lock)
 - Executive Director of Children's Services (Claire Winter)
 - Executive Director of Public Health (Trudi Grant)

2. Recommendations

- 2.1.** To endorse the proposed senior leadership structure (Tiers 1-3) for Somerset Council.
- 2.2.** That the Council accepts the recommendations of the Appointments Committees to make the following appointments:
- Executive Director of Resources & Corporate Services (151 officer) – Jason Vaughan
 - Executive Director of Community Services – Chris Hall
 - Executive Director of Strategy, Workforce & Localities – Alyn Jones
 - Executive Director of Climate & Place – Mickey Green
- 2.3.** To appoint on the basis of the terms and conditions agreed by the Appointments Panel:
- Executive Director of Resources & Corporate Services – pending further work on evaluating the role, within the range £129k - £150k
 - Executive Director of Community Services - £132k
 - Executive Director of Strategy, Workforce & Localities - £136k
 - Executive Director of Climate & Place - £142k

- 2.4.** To designate and empower Jason Vaughan with the statutory chief officer functions of the Section 151 Officer for Somerset Council.
- 2.5.** To endorse the change of job titles for the Director of Adult Social Services, Director of Children's Services and Director of Public Health and to designate and empower the following roles with the respective statutory chief officer functions:
- Executive Director of Adult & Health Services (Mel Lock) – statutory chief officer role of Director of Adult Social Services
 - Acting Executive Director of Children's Services (Claire Winter) – statutory chief officer role of Director of Children's Services
 - Executive Director of Public Health (Trudi Grant) – statutory role of Director of Public Health
- 2.6.** To endorse the salary structure for Service Director roles:
- Service Director 1 - £115k-£118k
 - Service Director 2 - £110k-£115k
 - Service Director 3 - £100k-£105k
- 2.7.** To delegate to the Chief Executive the final decision on the salary for the Executive Director of Resources & Corporate Services.
- 2.8.** To delegate to the Chief Executive the final decisions on salaries for Service Director appointments.
- 2.9.** To designate and appoint the statutory role of the Electoral Registration Officer within the remit of the Chief Executive

3. Legal Requirements

- 3.1.** 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 3 of the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008.
- 3.2.** Statutory functions must be delegated through a meeting of Full Council. This applies to the following roles, for the purpose of this paper and Executive and Service Director posts:
- Executive Director of Resources & Corporate Services (Section 151 Officer)
 - Executive Director of Adult & Health Services

- Executive Director of Children's Services
- Executive Director of Public Health

3.3. For most unitary councils, the appointment of the Electoral Registration Officer role would normally sit within the remit of the Chief Executive. At the time of confirming the appointment of the Chief Executive in July 2022, this statutory position was not included. Council are asked to agree the addition of this responsibility to the role of the Chief Executive for Somerset Council, within their existing terms and conditions.

4. Constitutional Requirements

4.1. The Council's Constitution states that any changes proposed to the Senior Leadership Team and supporting officer structures are subject to consultation with the Executive and informing the Full Council of the changes. Changes are agreed by the Chief Executive.

4.2. Appointments to Chief Officer and Deputy Chief Officer posts must be conducted in accordance with relevant legal and constitutional requirements. These 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 Constitution.

4.3. Salaries in excess of £100,000 should be endorsed through a meeting of Full Council, as specified in the Localism Act 2011.

4.4. Appointments Panel

The consequence of this is that as part of these processes, proposals to appoint to Executive Director and Service Directors have been put before respective appointments' panels. The panels consisted of the Leader, the Opposition Leader and the Deputy Leader of the Council (or their nominated representatives) plus the Leaders of the four district councils as consultees.

The role of an Appointments Panel is to review the terms and conditions of employment relating to a post and where changes are required, make appropriate recommendations to the Council, decide on the process and to appoint the Appointments Committee(s) to undertake the appointments' processes.

4.5. Appointments' Committee

The Appointments' Panels have agreed the processes to appoint to the roles and appointed:

- An Appointments' Committee for each of the four Executive Director posts recruited to. The Appointments Committee may comprise up to 5 members: The Leader of the Council (or their nominated representative), the leader of the largest opposition group (or their nominated representative), and up to 3 other members of the Council selected in accordance with the rules of political proportionality and including the relevant Executive Member.
- An Appointments' Committee for each of the 14 Service Director posts that will be appointed to. Please note that these Committees will operate in February and March.
- The Appointments Panel has also appointed an Appointments Committee, with the remit of delegating responsibilities for specific parts of appointments processes, to the Chief Executive. This delegation includes decisions on 'matching' and shortlisting. This Committee consisted of the same members as the Appointments Panel.
- The role of the Appointments' Committee is to 'run' the process. This includes agreeing the shortlist for the role, interviewing and then making a recommendation for appointment to the Council. This must be done before a formal offer of employment is made.

5. Structure (Tiers 2 & 3) of Somerset Council

- 5.1.** The Chief Executive proposed a structure for Tiers 2 & 3 in Somerset Council, with a list of functions by each Executive Director. This proposal was agreed with the Leader of the Council and the Executive. The proposal has subsequently been consulted on with staff and trade unions.
- 5.2.** The Chief Executive wrote to staff on 15th December 2022, following the end of the consultation period, to announce his decision to proceed with appointments to Tier 2 posts. He also said that he was taking further time to consider the impact of the consultation on proposals for Tier 3 posts and the functions that report into them. This consideration has now been concluded.
- 5.3.** The proposed structure can be seen in Appendix One.
- 5.4.** The structure proposes a change to job titles for existing roles that will continue into Somerset Council but remain substantively unchanged. These are as follows:
- Executive Director of Adult & Health Services
 - Executive Director of Children's Services
 - Executive Director of Public Health

- 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 Adult Social Care Operations
- Service Director Adult Social Care Commissioning
- Service Director Adult Social Care Transformation

6. The Process

6.1. The process to appoint to relevant Executive Director posts was designed to broaden engagement and involvement and comprised the following timeline:

Date	Event/Action
10.11.22	Consultation with staff commences, covering the proposed structure for Somerset Council and possible redundancies at tiers 1 – 3
29.11.22	Informal briefing meeting for the Appointments Panel (also to decide on future meetings)
w/c 05.12.22	Microsite draft ready for Appointments Group to agree/sign off – to be used for applications
09.12.22	HR all-day meeting to produce indicative job descriptions and other information
12.12.22	T2 & T3 Consultation (30-days statutory pre-transfer collective redundancy consultation) ends
12.12.22	Consider responses to the consultation & JDs - finalised. Internal comms to all 5 authorities to go out around the application and matching processes; this will be confirmed at the end of the week, following consideration of responses to the consultation
12.12.22	Appointments Panel meets (virtually) to consider JDs and other information (e.g. salary levels). This information will be confirmed at the end of the week, following consideration of responses to the consultation.
14/12/22	Chief Executive decision to commence the Tier 2 appointments processes, JDs confirmed for those roles (confirm the structure with the Executive and inform full council at next meeting, 22 nd February)
14.12.22	Notice of Appointments Committees to consider

	matches
14.12.22	Write to staff with draft JDs and links to matching processes, with deadline of 19 th December
14/12/22	With reference to the consultation responses and management actions, Chief Executive decision report drafted and internal member and officer consultation completed
19.12.22	Formal response to consultation issued, including any slot-in or ringfencing processes.
20.12.22	Matching review panel meeting
22.12.22	Appointments Committees meet to consider matches (5 clear working days after the Notice and agendas have been issued)
22.12.22	Microsite to go live and T2 posts open for CVs with a supporting statement (bring forward if no matching requests) Recruitment partner ('Faerfield') to categorise applications for shortlisting (a,b,c), as they are made
02.01.23	Notice of Appointments Committee meetings
03.01.23	Close application window (midnight 2 nd January)
03.01.23	Shortlist packs/report finalised and shared with Appointments Committees
04.01.23	Appointments Committees take place to ratify shortlist, with Duncan Sharkey as advisor to the committees and Faerfield in attendance. Draft interview questions discussed
05.01.23	Faerfield to send out invites to interviews.
w/c 09.01.23	Interviews take place 12 th – 17 th January. One day per role. Appointments Committee meet at end of day to confirm recommendation or next course of action if there are no appointable candidates.
w/c 23.01.23	CEO decision reports drafted with recommendations from each of the Appointments Committee.
22.02.23	CEO report to February Full Council to confirm Tier 2 statutory officer designations
1.4.23	Somerset Council Tier 2 appointments come into effect for the roles recruited to

6.2. 'Matching' and Ring-Fenced Processes

The five local authorities have agreed a set of Organisational Change Principles, which describe how an employee may be slotted into a post or be part of a ring-fenced process for a post if their existing substantive job is a broad match to that role.

There were no matches to Executive Director posts.

6.3. Panel Interviews

The panel interviews comprised the following:

Partners	Organisations represented from a broad range of sectors Somerset, with up to 8 representatives per panel.
Staff	16 staff representing all five Somerset local authorities
Appointments Committee	Appointments Committee plus the Leaders from the four district councils, as consultees

6.4. The recruitment procedure followed Somerset County Council's policy and safer recruitment standards. The Appointments Committees received training in advance of the interview process.

6.5. The Appointments Committees, at their meetings on 12th, 13th, 16th and 17th January 2023 recommend the following appointments, for endorsement by the meeting of Full Council:

- Executive Director of Resources & Corporate Services (Section 151 officer) – Mr Jason Vaughan
- Executive Director of Community Services – Mr Chris Hall
- Executive Director of Strategy, Workforce & Localities – Mr Alyn Jones
- Executive Director of Climate & Place – Mr Mickey Green

6.6. The Appointments Panel has met and agreed the process for the recruitment of 14 Service Directors to Somerset Council, as follows:

- 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

These processes will take place through March 2023 and reported to the May meeting of Somerset Council.

6.7. Processes to appoint to Service Director posts in Somerset Council exclude the following roles:

- Executive Director of Adult & Health Services
- Executive Director of Children's Services
- Executive Director of Public Health
- 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 Adult Social Care Operations
- Service Director Adult Social Care Commissioning
- Service Director Adult Social Care Transformation

This is because these roles are unchanged following Vesting Day.

7. Salaries

Salary benchmarking and comparisons have been made for Executive and Service Directors roles, and approved by the Appointments Panels, as follows:

- Comparisons with other similar local authorities
- Recruitment adverts
- Advice from the recruitment partner for these roles

7.1. Executive Directors

Executive Director roles have been set based on job evaluation outcomes and market factors within the range £129,000 to £150,000

Roles are offered on a spot salary basis:

- Executive Director of Climate & Place - £142k (ED1)
- Executive Director of Resources & Corporate Services – pending further work on evaluating the role, within the range £146k
- Executive Director of Community Services - £132k (ED2)
- Executive Director of Strategy, Workforce & Localities - £136k (ED2)

7.2. Service Directors

Service Director roles have been set at three levels, to reflect job evaluation outcomes and market factors. These are as follows:

- SD1 - £115k-£118k
- SD2 - £110k-£115k
- SD3 - £100k-£105k

Roles will be offered on a spot salary basis.

8. Implications

8.1. Legal and Human Resources - The effect of article 3 of the Somerset (Structural Changes) Order 2022 is to make Somerset County Council the legal entity which adopts the functions of the district councils in Somerset on 1st April 2022. The change in name to Somerset Council and the adoption of the district functions by the Council on the reorganisation date as a continuing authority will have no impact on the employment contracts of officers of the County Council.

District Council Officers who are successful in securing posts at Tiers 2 & 3 of the new Council will be offered the new Council's terms & conditions. The exception is where an officer is transferred in their existing role, where relevant transfer ('TUPE') legislation will apply.

Financial Implications – The proposed salaries have been accommodated within the budget for 2023/24 and the business case for local government reorganisation.

Equalities – An equalities impact assessment has been completed for the consultation on the Tiers 2 & 3 Structure of Somerset Council and the redundancy consultation and no significant concerns were raised as a result.

7.0 Background Papers

- Report to Extraordinary Council meeting on 15 June 2022
- Somerset Structural Changes Order 2022 - March 2022
- Officer Arrangements as set out in the Council's Constitution

Appendix One – Proposed Structure of Somerset Council

The structure that has been proposed for Somerset Council can be seen in Appendix One