

# BACKGROUND PAPER – CHIEF EXECUTIVE DECISION 13.03.2024

## Decision Report – Chief Executive Decision

Decision Date – 13.03.2024

Chief Executive Decision – [Part I 5 Officer

Employment Procedures/Arrangements

paragraph 1.4 (ii) of the Council's Constitution]



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Executive Member: Councillor Bill Revans, Leader of the Council

Local Members and Division: Councillor Sarah Wakefield, Lead Member Adult Services

Lead Officer: Mel Lock, Executive Director Adult Services and Lead Commissioner Adults and Health.

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### Summary / Background

1. Following the departure of the substantive post holder Service Director Transformation, at the end of June 2023, due to operational needs and the financial challenges in Adult Services, a Chief Executive decision was made to agree temporary emergency cover for the Adult Service transformation leadership role to ensure the Newton Europe contract is held to account to deliver the planned efficiencies and contribute to the Medium-Term Financial Plan (MTFP) objectives. This temporary arrangement also recognises the statutorily important work on Adult Services strategy, quality, performance, policy and assurance.
2. A review of this Service Director role was originally expected to be formally consulted on as part of a wider proposed restructure of the Adults Commissioning, Quality and Performance Services and was expected to be completed by April 2024. However, due to the Council's financial emergency these plans have been put on hold pending the County wide transformational programme.
3. In August 2023 a temporary emergency cover arrangement was agreed by the Chief Executive and put in place for the proposed post of Service Director Adults Strategy, Transformation and Performance. This arrangement is due to expire on 31 March 2024, which is prior to the re-design and consultation on a finalised Corporate Leadership Team structure.

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4. The Council has a qualified and suitably experienced Strategic Manager who can continue to provide emergency cover to the Service Director role for a temporary period to allow time to complete the relevant formal employment processes.
5. Under the Councils Constitution (Part I: 5 Officer Employment Procedures /Arrangements paragraph 1.4 (i), the Chief Executive has authority after having sought the agreement of the Leader, and after appropriate consultations, to agree: (i) acting up arrangements into any officer position who reports or is directly accountable to an Executive Director, to cover periods of temporary absence either planned or unplanned. (ii) emergency cover arrangements for the post specified where these positions become vacant between Full Council meetings. Any such agreement will be subject to review and confirmation at the next available Full Council meeting.

### **Recommendations**

6. The Chief Executive agrees:
  - a. To extend the appointment of Niki Shaw – Strategic Manager, Quality, Performance, Policy and Assurance - to provide emergency cover to the proposed post of Service Director Adults Strategy, Transformation and Performance, with effect from 1 April 2024 for a temporary period until 30 November 2024 or until a formal restructure decision is made on this post, whichever is sooner, under the decision-making powers delegated to him as the Head of Paid Service and under section I 5, paragraph 1.4 of the Council's Constitution.
  - b. To present recommendations to the next Full Council for this extended temporary cover arrangement to be ratified.

### **Reasons for recommendations**

7. There is an ongoing operational and financial need to cover the Service Director Adults Strategy, Transformation and Performance role, while the Design Authority reviews the Councils structure and allows time to undertake consultation on any proposed changes to the Corporate Leadership Structure.
8. The Council has a qualified and suitably experienced Strategic Manager (Niki Shaw) who has been covering this role full time since August 2023.

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9. Agreeing internal cover arrangement on a temporary basis will provide continuity of leadership and a more stable transition during this period of change.

### **Other options considered**

10. Holding this critical post vacant pending the Council structure redesign process, would pose significant risks and is therefore not considered a viable option. This post is needed to lead on business-critical areas as outlined in the background section of this report.
11. Engaging with an external recruitment agency is costly and takes time which will create additional burden on an already overstretched budget and senior leadership team. The external recruitment market for senior leadership roles in Adults Transformation and Performance is very competitive and there is no guarantee we would find a suitable candidate. This is not a preferred option.
12. Extending the temporary appointment of the existing Strategic Manager for Quality, Performance, Policy and Assurance (Niki Shaw) to provide emergency cover to the proposed post of Service Director Adults Strategy, Transformation and Performance, guarantees continuity and cover quickly, and is within the existing budget. This is the recommended option outlined at 6 (a) above.

### **Links to Council Plan and Medium-Term Financial Plan**

13. The recommendations support the vision and priorities of Somerset Council, as outlined in the 2023-2027 Council Plan<sup>1</sup>, especially those aligned to ensuring we are a 'healthy and caring Somerset' and a resilient authority.
14. The Adults transformation programme is made up of 5 key workstreams to help the service deliver efficiencies and improvements:
  - Reablement
  - Outcomes from decision making,
  - Learning Disability progression, enablement and moves
  - Preparing for adulthood, and
  - Data visibility and control.

### **Financial and Risk Implications**

15. The salary for the transformation cover arrangement is within the existing budget. The proposed role of Service Director Adults Strategy, Transformation

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and Performance has been initially evaluated at grade SD3, starting salary of £100,000 plus on cost. Niki Shaw's substantive post is grade 5: £76,261 including the 2023/24 pay award. During the cover arrangement Niki would therefore receive additional salary payment, on a monthly basis of £1978.25 gross to make up her salary to the bottom of grade SD3 (£100,000).

16. By extending the appointment of Niki Shaw to provide emergency cover in the proposed Service Director Adults Strategy, Transformation and Performance role, we continue to hold her substantive post vacant. Additional temporary resources to provide some backfill pending a formal review is being considered and if agreed through the appropriate workforce processes, will be managed within the existing budget.
17. This proposal directly contributes to help mitigate the following Adult Social Care risk (logged on JCAD): ASC Risk AANDH0030 Adult Social Care are unable to achieve MTFP targets/deliver a balanced budget. A risk register is also being maintained by Business Change with regards to the Newton contract and activity.

<b>Likelihood</b>	4	<b>Impact</b>	4	<b>Risk Score</b>	16 (9 with mitigation)
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The role also directly helps to mitigate JCAD Risk AANDH0037 (Somerset Council's Adult Social Care service fails to secure a positive assessment by the Care Quality Commission (regulator) as part of a new Local Authority assessment framework launched April 2023:

<b>Likelihood</b>	3	<b>Impact</b>	4	<b>Risk Score</b>	12 (8 with mitigation)
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### Legal / HR Implications

18. All necessary aspects of the Councils Constitution and employment law will be followed in relation to emergency cover arrangements, formal consultation on any proposed changes to workforce. It is therefore considered that an Equalities Impact Assessment (EIA) is not required for this decision paper – this has been discussed with the Employment Equalities Lead Michelle Anderson. An EIA will

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be produced as part of the formal business case for any proposed permanent changes in due course.

### **Background**

19. There is an ongoing operational need to agree an extension to the emergency cover arrangements for the Adults Transformation programme lead following the resignation and departure of the Service Director Transformation post holder, at the end of June 2023.
20. The Service Director Transformation role was set up to respond to the government's Adults Social Care (ASC) reform agenda, establishing a transformation programme to deliver this. Whilst some elements of the government's reform programme have been delayed nationally, there remains significant budgetary pressure in Adult Services, driving the need for a revised transformation programme; the work with our partners Newton Europe, is targeting £14.2m of benefit to the service, including cost avoidance. There is an ongoing need to have senior leadership in Adults Services to oversee the new My Life, My Future programme, being accountable to the Executive Director for Adults Services and the Transformation, Transition and Change Board. However, a review of this role alongside the re-design of the Corporate Leadership Team by the Design Authority is proposed before any permanent decisions are made, to ensure a structure fit for the future.
21. The proposed emergency cover arrangements for the Strategic Manager - Quality, Performance, Policy and Assurance to cover the transformation lead responsibilities, were considered by a job evaluation panel. The panel advised the interim role was within the boundaries of Somerset Council pay grade SD3 with a salary banding of £100,000 - £105,000. Once the longer-term proposals are developed the job description will need to be presented to panel again alongside the other Service Director roles before any permanent process is commenced.

### **Background Papers**

22. Decision taken by the Chief Executive on 2 August 2023, to appoint emergency cover to the post of Service Director Adults Strategy, Transformation and Performance, for a temporary period until 31 March 2024.

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### Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Workforce	Dawn Bettridge	29/02/2024
Finance Business Partner – Adult Services	Penny Gower	26/02/2024
Executive Director / Senior Manager	Mel Lock	28/02/2024
Chief Executive	Duncan Sharkey	13/03/2024
Leader of the Council	Cllr Bill Revans	11/03/2024
Executive Lead Member	Cllr Sarah Wakefield	11/03/2024