

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Wednesday, 12 May 2021</b>
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Consideration of Senior Management structure within the Council
Purpose of Report:	This report recommends and assessment of the current arrangements relating to senior management in the context of the Local Government and Elections (Wales) Act 2021 as well as key learning arising from the covid-19 pandemic.
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Tracy Dickinson, Head of Human Resources and Organisational Development
Elected Member and Officer Consultation:	As this is a matter of relating to the business of the organisation, no specific ward member consultation is necessary. Group Leaders have however been made aware of the report and its contents, as have Trade Union representatives and all Chief Officers.
Policy Framework:	This is a matter for Executive Decision for Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>This report sets out the reasons why a review of the Council's Senior Management structure is necessary and timely. The report considers the key learning points that have emerged from the Council's response to the covid-19 pandemic as well as the current policy context, notably the new Corporate Plan, the Council's Recovery Strategy and the new direction for the Reshaping programme. It also considers the various elements of the Local Government and Elections (Wales) Act 2021 and, amongst other things the increased emphasis in regional working and the move towards Corporate Joint Committees.</li> <li>The report seeks to formally appoint a consultant to inform a review of the current working arrangements and consider what changes, if any, are required to ensure the Council is in the best possible position to meet and respond to future challenges.</li> </ul>	

## **Recommendations**

- 1.** That Cabinet considers the contents of the report and that delegated authority be given to the Head of Human Resources and Organisational Development, in consultation with the Leader to formally appoint a consultant to undertake a review of the Council's Senior Management arrangements as set out in the body of this report.
- 2.** That the report be referred to Scrutiny Committee (Corporate Performance and Resources) for consideration.
- 3.** That the findings and assessment and any recommended changes to the Senior Management structure are the subject of a further report to Cabinet, and if appropriate, Council before the end of 2021.

## **Reasons for Recommendations**

- 1.** To independently assess and consider the appropriateness of the current senior management structure.
- 2.** To enable Scrutiny Committee (Corporate Performance and Resources) to consider the report.
- 3.** To allow Cabinet and Council to further consider the matter in due course.

## **1. Background**

- 1.1** A fundamental review of the Council's senior management structure was implemented on the 16th April 2012, the aim being to reduce the costs and numbers of senior managers across the Council whilst ensuring a sustainable senior management structure going forward.
- 1.2** The main features of this re-structure were the:
  - Deletion of the role of Chief Executive
  - The creation of a combined Managing Director/Director of Resources role, alongside 4 other Directors.
  - The allocation of Section 151 responsibility to the then Head of Finance
  - The allocation of Monitoring Officer responsibility to the then Head of Legal
- 1.3** Following the appointment of the current Managing Director in 2015, a number of other changes to the Senior Management Structure were implemented. In summary, these are set out below.
- 1.4** The post of Director of Development Services was removed from the structure, with the post of Head of Regeneration and Planning created and reporting directly to the Managing Director and the former role of the Director of Visible

Services and Housing widened to include leisure, highway development, transport and Shared Regulatory Services.

- 1.5** In June 2015, it was agreed that a Senior Head of Service post responsible for Human Resources and Performance and Development be appointed to reduce reporting lines to the Managing Director.
- 1.6** During 2019, and following retirements of key post holders, the posts of Head of Human Resources and Organisational Development and Head of Policy and Business Transformation now report directly but separately to the Managing Director.
- 1.7** During the Summer 2020, given the increasing demands and urgency in moving forward with the Digital agenda, a secondment arrangement was put in place for a Head of Service to lead on the Council's digital transformation. This was a temporary arrangement which remains on-going but will need further consideration in the near future, as such a secondment approach is unsustainable in the medium to long term.
- 1.8** The focus of this report is to consider the need to review the current arrangements in light of the current and on-going challenges faced by and opportunities presented to the Council and the need to continue to transform and adapt in light of those challenges and opportunities. This is particularly relevant given the new Corporate Plan (2020-25), the Climate Change Agenda, the Council's Coronavirus Recovery Strategy and the need to re-energise the Reshaping (Transformation) agenda. It also has regard to the need to consider the structure in the context of the Local Government and Elections (Wales) Act 2021.

## **2. Key Issues for Consideration**

- 2.1** The current structure has served the Council well over recent years. The Council's performance when measured against national performance indicators has consistently out-performed other Councils. In addition, the Council has continued to transform and reshape key services in the face of budget challenges and other pressures as a result of new legislation and demographic changes. Furthermore, the Council has performed well when measured against the key objectives and actions set out in the Corporate Plan 2016-20.
- 2.2** Notwithstanding the above, the production of a new Corporate Plan for 2020 to 2025 sets out new challenges for the organisation and it is vital that there exists the capacity within the organisation to deliver against the new Plan as well as other key challenges relating to the recovery from covid-19 and new legislation and policy .
- 2.3** The experience of the previous 12 to 15 months makes it essential that the organisation reflects on the experience in dealing with the coronavirus crisis and

needs to consider its Recovery Strategy. There also has to be regard to changes that will be required as a consequence of the Local Government and Elections (Wales) Act 2021, particularly the need to designate a Chief Executive and the need to respond to the regional dimension, given the move to Corporate Joint Committees with responsibility for economic wellbeing, transport and strategic planning. It is also proposed that any review needs to have regard to Election duties given the implications of the Local Government and Elections (Wales) Act 2021 on remuneration for these duties. It is also relevant that there remains a need to consider the arrangements in place relating to the Digital agenda and how the Council can be best positioned to deal with and promote this agenda into the future.

- 2.4** In terms of taking this issue forward, it is recommended that Independent Consultants are engaged to allow an independent and impartial consideration of the issues raised within the body of this report. This will allow discussion to take place with Strategic Leadership Team, individual Directorate Management Teams and also with Cabinet Members as well as Group Leaders to allow a full assessment of the situation and an assessment of the Council's leadership structure as we continue to develop and meet the challenges of the next few years through the Reshaping agenda.
- 2.5** In view of the above, the Council will need to reflect and consider whether there are any alternative options in relation to the future senior management arrangements before committing to a specific way forward.
- 2.6** Such a review would provide the opportunity to reflect on the experience of the last 5 to 6 years since the current arrangements were put in place, the experience of the last 12 to 15 months, and specifically since the emergence of the covid-19 pandemic and the Council's priorities in looking forward to the future as set out in policy.
- 2.7** There are potential conflicts of interest to be considered in relation to the provision of advice and guidance on future senior management options. For this reason, the Council should seek to commission independent and impartial advice. This work would need to be completed over the Summer period with a report back to Cabinet and Council once the work is completed.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The proposal to consider the appropriateness of senior management arrangements is timely having regard to the learning that has emerged during the covid-19 pandemic, the Council's response to the same and the many policy and legislative drivers referenced in this report. It is more essential than ever that the organisation continues to respond to the needs of its communities, given the implications of the last 12 to 15 months and that it has the capacity to do so.

- 3.2** Any review of arrangements will need to have regard to the Wellbeing of Future Generations and the needs of communities across the Vale of Glamorgan.

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** Any proposals will need to be assessed having regard to financial implications although at the current time, this is premature. The cost of the consultant will be met from within the policy budget.

### **Employment**

- 4.2** Any proposals would be the subject of a consultation process with the trade unions and all affected employees in accordance with the Council's managing change process and Avoiding Redundancy Policy.
- 4.3** Any proposals consulted upon and also subsequently agreed will need to take effect from a certain date and following a consideration by Cabinet and Council.
- 4.4** In accordance with the Council's constitution, new appointments to any Director and/or Heads of Service posts will need to be determined by the Senior Management Appointments Committee. This will be dealt with in accordance with the Council's normal recruitment processes as is appropriate.

### **Legal (Including Equalities)**

- 4.5** The Local Authorities (Standing Orders) (Wales) Regulations 2014 require the Full Council to determine or approve changes to the salaries of officers designated as Chief Officers within the definition of the Local Government and Housing Act 1989.
- 4.6** The Public Sector Equality Duty (section 149 of the Equality Act 2010) came into force in April 2011. Public Authorities like the Council are required, in carrying out their functions, to have due regard to the equality needs set out under s.149 of the Equality Act 2010 to eliminate discrimination (both direct and indirect discrimination), harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it and to foster good relations between person who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment pregnancy and maternity; race, religion or belief; sex; sexual orientation.
- 4.7** Direct discrimination occurs if, because of a protected characteristic, a local authority treats a person less favourably than it treats or would treat others. Indirect discrimination occurs if a local authority applies to a person a provision,

criterion or practice which is discriminatory in relation to a relevant protected characteristic of that person.

- 4.8** The Council's duty under Section 149 of the Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions in relation to its statutory duties. In this case, the proposals are not ones which indicates a change in services offered to the wider community. The proposal involves a partial restructure of senior management in order to build capacity and exploit synergies with a view to improving service delivery to all service users and to enable it to better manage and deliver projects. Advice has been sought and a full Equality Impact Assessment has not been deemed necessary. If, because of the consultation, a full assessment is required, it will be progressed and will inform any future decision.
- 4.9** Any selection process resulting from any proposals that are developed will be managed in accordance with the Council's equality proofed recruitment and selection policy, avoiding redundancy provisions and the requirements of the Local Authorities (Standing Orders) (Wales) Regulations 2014.

## **5. Background Papers**

Local Government and Elections (Wales) Bill - Report to Cabinet 2020

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2020/20-12-21/Local-Government-and-Elections-Wales-Bill-Update.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2020/20-12-21/Local-Government-and-Elections-Wales-Bill-Update.pdf)

Corporate Joint Committees - Report to Cabinet (December 2020)

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2020/20-12-21/Corporate-Joint-Committees.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2020/20-12-21/Corporate-Joint-Committees.pdf)

Annual Improvement Plan 2019-20 - Report to Cabinet (September 2020)

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2020/20-09-21/VoG-Annual-Report.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2020/20-09-21/VoG-Annual-Report.pdf)

Draft Annual Delivery Plan (2020-21) - Report to Cabinet (March 2021)

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2021/21-03-08/Draft-VoG-ADP.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2021/21-03-08/Draft-VoG-ADP.pdf)

Renewing Reshaping: The next steps for Transformation - Report to Cabinet (March 2021)

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2021/21-03-08/Renewing-Reshaping.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2021/21-03-08/Renewing-Reshaping.pdf)

Coronavirus Recovery Strategy - Report to Cabinet (September 2020)

[https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Cabinet/2020/20-09-21/Coronavirus-Recovery-Strategy.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2020/20-09-21/Coronavirus-Recovery-Strategy.pdf)

Project Zero - Report to Cabinet (March 2021)

[https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Cabinet/2021/21-03-22/Project-Zero.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2021/21-03-22/Project-Zero.pdf)

Pay Policy 2021-22 (March 2021)

[https://www.valeofglamorgan.gov.uk/Documents/\\_Committee%20Reports/Cabinet/2021/21-02-08/Pay-Policy.pdf](https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2021/21-02-08/Pay-Policy.pdf)