

Report subject	Tier 2 Appointments for BCP Council
Meeting date	22 June 2021
Status	Public Report
Executive summary	This report invites the Council to approve the structure for Tier 2 posts for BCP Council, and to approve new appointments to Chief Officer posts in accordance with the Council's Constitution and statutory requirements.
Recommendations	<p>It is RECOMMENDED that:</p> <p>in accordance with Section 5 of the Local Government and Housing Act 1989 that Council confirms the appointment of the following individuals into post;</p> <ul style="list-style-type: none"> • Chief Operations Officer – Kate Ryan • Director of Adult Social Services – David Vitty • Director for Commissioning - Phil Hornsby
Reason for recommendations	To comply with Part 4 – Procedure Rules of the BCP Constitution - Appointment of Head of the Paid Service, Chief Officers (Tier 2 Appointments), Monitoring Officer and Section 151 Officer
Portfolio Holder(s):	Councillor Drew Mellor (Leader of the Council)
Corporate Director	Graham Farrant, Chief Executive
Contributors	<p>Lucy Eldred, Head of HR</p> <p>Graham Farrant, Chief Executive</p> <p>Susan Zeiss, Monitoring Officer</p> <p>Jan Thurgood, Corporate Director for Adult Services</p>
Wards	All
Classification	For Decision

Background

1. The Bournemouth, Christchurch and Poole Shadow Authority created the initial senior management structure comprising of 5 Corporate Directors reporting to the Chief Executive, each with three service directors reporting to them (four for the Corporate Director of Resources). That structure worked well to ensure a safe landing after Local Government reorganisation and gave clarity to the new council during the initial period of operation.
2. In practice, the Director of Law and Governance and the Director of Finance both attended Corporate Management Board from April 2019 alongside the Corporate Director of Resources to whom they reported. In addition, a number of other evolutionary changes have been made to the way that the structure works including the creation of a new director of marketing and communications, the resignation of the Corporate Director of Regeneration and Economy and now the upcoming retirement of the Director for Adult Social Care.
3. The original intention of achieving parity between roles and a symmetrical structure have been over-ridden by practical requirements for management support and direct line of sight on some key services and direct reporting lines for the statutory officers.
4. There are also pressures to reduce staffing costs through the transformation programme and the smarter structures project and the Council has significant financial targets to be achieved through efficiencies and staffing reductions. This has provided the context for these proposals which seek to reduce overall expenditure on senior managers.
5. Following the resignation of the Corporate Director for Regeneration & Economy and pending the retirement of the Corporate Director for Adult Social Care this month, the opportunity has been taken to review the entire senior management structure to ensure that it is fit for the future and that we reduce costs where we can. The proposed structure retains the key roles of a Director of Children's services and Director of Adult Social Services, but redistributes a number of functions to increase efficiency, including creating a new Director of Commissioning to take lead responsibility for all commissioning across the "people" services. That will enable a new Centre of Excellence to be created where we will generate real professional excellence in commissioning, working alongside partners in health.
6. The creation of the role of Chief Operations Officer, an expansion of the role from Director of Environment and Communities, enables a single management approach to be taken to all of the Council's neighbourhood level services and will enable additional efficiencies to be worked through into the structure, for example bringing the seafront toilets and other public conveniences into a single management structure, and similar for open space management and litter collection.

Recruitment Process

7. The Council's Constitution sets out the requirements for senior appointments as follows:
 - a. Article 11 - Officers - 1. Management Structure
 - 1.1. General - The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
 - 1.2. Chief Officers - The Council will engage persons for the following posts, who will be designated Chief Officers:
 - (a) Chief Executive and Head of Paid Service
 - (b) Directors who report directly to the Chief Executive within the line management structure

- 1.3. The process of selection and recruitment of the above Chief Officers shall be undertaken in accordance with provisions set out in the Employment and Procedure Rules - Part 4 of the Constitution.
8. The Constitution states that Chief Officer roles should be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for them. For a direct replacement of a like for like role, that would be the preferred approach, but for a reorganisation with changes of roles we must first consider our responsibility to the existing colleagues and consider redeployment if there is a risk of redundancy.
 9. The appointments within this report for approval were evaluated to be of significant fit, within 70%, to existing roles within our organisation and therefore the roles have not been openly advertised. Due to the fit of the roles and the knowledge of performance and delivery of the individuals within the role it is proposed that the appointments should be made directly. This supports our internal development of talent and potential whilst avoiding cost and uncertainty to the Council through extended recruitment searches and potential redundancy payments.
 10. The employment and procedure rules within the Constitution state that appointments will be made by Full Council following a process arranged by the Head of HR & OD and in consultation with the Leader of the Council.
 11. BCP Council are required to make changes to the leadership structure, including Tier 2 appointments. Directors in tier 2 appointments and directly line managed by the Chief Executive are determined to be Chief Officers by our constitution. Therefore, Council approval is required for the appointment of the following individuals.
 - (a) Chief Operations Officer (COO) – Kate Ryan
 - (b) Director of Commissioning – Phil Hornsby
 - (c) Director of Adult Social Care – David Vitty
 12. The proposed Tier 2 structure for BCP Council, effective 1 July 2021, is shown in the diagram below:



13. **Chief Operations Officer** – this is a new role for BCP Council and combines the accountability for the majority of operational delivery for neighbourhood functions and capability. The key areas of responsibility include:
 - (a) Housing

- (b) Community and regulatory services
- (c) Environment
- (d) Transport and Engineering
- (e) Planning
- (f) Destination and Culture, including seafront operations, leisure and catering

Due to Ms. Ryan's previous role and experience and based on the match with her previous job description she was deemed to be a strong fit and was appointed directly in an interim capacity from 1 March 2021. Following the panel, held on 24 May 2021 comprised of:

- Graham Farrant, Chief Executive
- Cllr Drew Mellor, Leader
- Cllr Philip Broadhead, Deputy Leader and Portfolio Holder
- Cllr Kieron Wilson, Opposition member
- Cllr Stephen Bartlett, Independent member
- Lucy Eldred, Head of HR

Subject to Council approval, it is recommended that the appointment be confirmed as permanent.

14. **Director of Adult Social Services** – The Council is required to appoint a Statutory Chief Officer post of Director of Adult Social Services (DASS) on the retirement of the current Corporate Director of Adult Social Care who has held this statutory post since the Council's creation in April 2019. The Statutory postholder has strategic responsibility and accountability for the planning, commissioning and delivery of social services for all adult client groups and a leading role in the delivering the wider vision for social care and combating social exclusion.

In his current role, Mr Vitty has accountability for the delivery of social services for all adult client groups, and extensive accountability for the planning of services. He also has extensive experience and a comprehensive professional background in Adult Social Services. He is therefore very strongly suited to take on the statutory role of Director of Adult Social Services. A panel was held on 25 May 2021 comprised of:

- Graham Farrant, Chief Executive
- Cllr Drew Mellor, Leader
- Cllr Nicola Greene, Portfolio Holder
- Cllr Karen Rampton, Portfolio Holder
- Cllr Vikki Slade, Opposition member
- Cllr Lesley Dedman, Opposition member
- Lucy Eldred, Head of HR

The panel recommended that David Vitty be appointed to this role, subject to Council approval through this report.

15. **Director for Commissioning** – The Council's target operating model proposes a centralised Commissioning for People Services and in order to prepare and lead that change we must appoint an accountable leader. The role will be responsible for shaping the future service alongside the management of the current commissioning model ensuring we are able to provide the services required to our customers. In undertaking this role, the postholder will work in close collaboration with the Corporate Director for Children's Services and the Director of Adult Social Services to ensure that all statutory requirements for Children's and Adult Social Services are met through commissioned services.

Phil Hornsby previous role was a close fit to this wider and enhanced responsibility and therefore he was the strongest candidate to be matched to the role. A panel was held on 25 May 2021 comprised of:

- Graham Farrant, Chief Executive
- Cllr Drew Mellor, Leader
- Cllr Mike White, Portfolio Holder
- Cllr Karen Rampton, Portfolio Holder
- Cllr Vikki Slade, Opposition member
- Cllr Lesley Dedman, Opposition member
- Lucy Eldred, Head of HR

The panel recommended Mr. Hornsby to be appointed to the role, subject to Council approval through this report.

16. **Director of Public Health** – The Director of Public Health, Sam Crowe, is a joint appointment with Dorset Council, which is also the employing organisation for Mr Crowe and the joint Public Health Service. His line management is provided by the Chief Executive of Dorset Council who host the joint service. On the retirement of the Corporate Director for Adult Social Care, Mr Crowe will report directly to the Chief Executive in relation to all matters relating to BCP Council.
17. **Director of Communication and Marketing** - Council should also note, although not required for decision, some other structural changes within the officer leadership of BCP Council. The role of Director of Communication and Marketing was created, and an interim postholder Stephen Hardwick was appointed, whose commission has now finished. Georgia Turner has been appointed as interim Director pending a full recruitment process for the permanent appointment to this role which will take place later in the year and Council will be requested, to approve this permanent appointment through a subsequent report.
18. **Head of Policy and Research** - Bridget West, Head of Policy and Research will also report to the Chief Executive in her current role, which change of line management is intended to raise the profile of the work that this central corporate team delivers and to hold the organisation to account for the progress against the Corporate Strategy and Delivery Plans and associated performance metrics. This role will be a participating advisory member of the Corporate Management Board but not defined as a Director and without director-level decision making responsibility.
19. **Director of Delivery** – this is a new service director-level post which has been created to provide the leadership, expertise and client capacity for regeneration delivery, working with the proposed Urban Regeneration Company and other partnerships such as Bournemouth development Company (BDC). The post is being covered on an interim basis by Dave Anderson and will be advertised for permanent recruitment in due course.
20. The senior leadership roles and appointments are included at Appendix 1.

Options

21. The options are either:
 - to appoint Ms Ryan, Mr. Hornsby and Mr. Vitty to the suggested roles – this is the recommended option:or
 - to advertise one or more of these roles externally and to subsequently consider the preferred applicants following a full recruitment process. That will still require that the officers identified in this report be appointed, albeit on an interim basis

while the recruitment process is carried out and carries significant risk of redundancy if they are not successful in the recruitment process, and a potential claim for constructive dismissal as the roles are very similar to their existing roles. This is not the recommended option.

Summary of financial implications

22. There are no additional financial implications arising from the report, as the roles are within budget due to the combination of capabilities between the previous corporate Directors of Environment & Community and Regeneration & Economy and Corporate Director for Adult Social Care and will contribute a direct saving of £94,854 per year.

Role	No.	Cost
Corporate Directors	5	£ 665,697
Directors	0	£ -
Service Directors & Heads of	7	£ 694,842
Totals	12	£ 1,360,539

Role	No.	Cost
Corporate Directors	3	£ 424,165
Directors	6	£ 681,520
Service Directors & Heads of	2	£ 160,000
Totals	11	£1,265,685

Cost reduction	% saving
-£ 94,854	-7.0

Summary of legal implications

23. There are no additional legal implications arising from this report.

Summary of environmental impact

24. There are no environmental implications arising from this report.

Summary of public health implications

25. There are no public health implications arising from this report.

Summary of equality implications

26. The decision to award roles directly does have a potential equalities impact across all protected characteristics as it reduces the opportunities for potentially increased diversity at a senior level within the organisation. This is justified when an analysis of the employment risk was conducted of the likely potential disputes from current incumbents that would not be defensible by the organisation, this would be due to the nature of these roles being expansions of existing roles within BCP Council. The impact will be mitigated by the commitment for a full and robust recruitment process for the identified permanent roles at the same seniority, for example the Director of Marketing and Communications and the Director of Regeneration Delivery.

Summary of risk assessment

27. This decision will reduce risk in ensuring the post of COO, Director of Commissioning and Director of Adult Social Services roles are filled and provides the capacity to the organisation.

Background papers

None

Appendices

Appendix 1 – BCP Corporate Structure, Corporate Management Board (CMB) and Strategic Leadership Group (SLG) roles and appointments.

Appendix 1 – BCP Council Corporate Structure

