
Meeting	General Functions Committee
Date	29 January 2013
Subject	Senior Officer and Council Structures for Children's Services
Report of	Interim Chief Executive and Head of Paid Service
Summary	This report seeks approval for the Head of Paid Service to implement a new organisational structure for the leadership and delivery of Children's Services in line with the Council's Senior Management Review Structure.

Officer Contributors	Director for People and Human Resources
Status (public or exempt)	Public
Wards Affected	Not applicable
Key Decision	Not applicable
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix One – Proposed New Structure for delivery of Children's Services
Contact for Further Information:	Contact for further information: Jacquie McGeachie - 020 8359 7952

1. RECOMMENDATIONS

- 1.1 That the Committee authorise the Head of Paid Service to implement the new organisational structure as set out in this report.**
- 1.2 That the Committee authorise the Head of Paid Service to appoint to all the new posts.**
- 1.3 That following statutory consultation, and compliant with the Managing Organisational Change Policy, the Assistant Director Human Resources is instructed to arrange for redundancy letters to those officers who have been placed at risk and have not secured a role in the new structure or have not been redeployed.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 General Functions Committee Decision 23 April 2012 – item 6 (Reorganisation of the Senior Officers and Council Structures) – the Committee authorised the Head of Paid Service to implement the new organisational structure as set out in the report.
- 2.2 General Functions Committee Decision 28 June 2012 – item 8 (Contracts and Terms and Conditions for Senior Posts which form part of the Council Reorganisation) – the Committee agreed that (1) the proposed new employment contracts and Terms and Conditions of Employment for those senior posts which are part of the Council re-organisation be agreed (2) that formal consultation commences with the Trade Unions.
- 2.3 Remuneration Committee Decision 9 May 2012 – item 7 (Senior Posts and Council Re-organisation) – the Committee noted the Reward Strategy for Senior Posts affected by the Council's reorganisation and as agreed at General Functions Committee on 23 April 2012.
- 2.4 Remuneration Committee Decision 28 June 2012 – item 7 (Senior Posts Reward Structure) – the Committee agreed (3) that salaries for the nine posts which will form part of the Council's senior management structure and which attract salaries in excess of £100,000 be agreed.
- 2.5 Remuneration Committee Decision 28 September 2012 – item 4– The Committee agreed the appointment to the role of Director for People

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 During 2012, the Council embarked on a transformation programme to transform the way the organisation was structured away from traditional directorates/ departments to an organisation which
 - has the customer at the centre of the council's business and the structure was formed around this principle to facilitate the use of customer insight
 - the ongoing reductions in public expenditure necessitate further reductions in the management overhead of the organisation

- is able to place the needs of our residents at the centre of the Council's business;
 - has the right leadership capacity to respond fluid situation for the delivery of public services and
 - builds the capability to better manage the Council's relationships with both public sector partners and the increasingly wide range of contractors that the Council
- 3.2 The original proposals considered by General Functions Committee in April 2012, identified that Councils are not entirely free to develop structural arrangements of their own choosing and are required to identify certain posts within their structure. This includes the requirement for there to be a designated Chief Officer who has the role of Director of Children's Services.

4. RISK MANAGEMENT ISSUES

- 4.1 The report to General Functions Committee in April 2012 made clear that the position regarding Children's Services was rapidly evolving and therefore Children's Services were treated differently in the original proposals from other parts of the Council with the April 2012 report setting out minimal changes but requiring that a further review was conducted in conjunction with the Lead Member during 2012 and revised proposals brought back to General Functions Committee.
- 4.2 The Government on the 3rd of April 2012 published new statutory guidance regarding the role of the Director of Children's Services to which Local Authorities must have regard to. The legal basis for this statutory guidance is set out under the Legal Implications section of this report. Local Authorities should as a matter of course, assure themselves that their arrangements enable them to discharge their education and children's social care functions effectively.
- 4.3 Failure by the Local Authority to discharge its statutory responsibilities could result in the Local Authority being placed into formal intervention by the Department for Education and adverse inspection judgments from HMI Education (Ofsted).
- 4.4 The delivery of effective Children's Services is a core responsibility of Local Authorities, ensuring that risks are appropriately managed and that all children are effectively safeguarding for abuse. The proposals for changes to the senior management arrangements for Children's Services have therefore sought to ensure that front line services are not further destabilised and that no individual who has been appointed into and accepted a role in the new senior management structure agreed by General Functions Committee in April 2012 is subject to any further management of change processes arising from this restructuring.
- 4.5 During the consultation period it is proposed that interim arrangements are put in place to provide the leadership capacity needed to support the services deliver the priorities of the Council as set out in the Corporate Plan and the Children's and Young Peoples Plan. The Education Assistant Director will be

filled by an interim post holder, and the current Deputy Director will be accountable for the Early Intervention and Prevention team and the Social Care team. The Deputy Director for Children's Services post was due to be deleted from the 31st of March 2013 in line with implementation process for the Senior Management review. As a consequence of these arrangements it is proposed that the deletion of the Deputy Director post will be extended until the conclusion of these proposals are known and the appropriate structure and resources is in place.

- 4.6 Interim arrangements will be put in place to ensure continuity of services where this is necessary to ensure capacity to continue to lead Children's Services whilst in a transitional period within the budgetary resource envelope for Children's Services.
- 4.7 To ensure that there is clear line of communication between the statutory Director for Children's Services with the Council's lead officer for children's safeguarding (Assistant Director for Social Care), formal meetings will take place on a regular basis to an agreed protocol to be signed off by the Assurance Director, Director for People / Director for Children's Services and the Assistant Director for Social Care prior to the implementation of the new arrangements. This will ensure that the Council is satisfied that there are robust arrangements in place to ensure that the Director for Children's Services has a clear oversight of children's safeguarding issues.
- 4.8 A communication plan will be drawn up to ensure employees are well informed during the transition process.
- 4.9 The re-organisation of the Children's Services structures will need to ensure that a robust selection process is in place in order that the right people are appointed. The process adopted through the Senior Management Review will be adopted for recruitment into the senior management structure for Children's Services

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Job evaluation and reward: The evaluation of new job roles will be evaluated by Human Resources using Hay Group methodology which is consistent with the other roles in the senior management structure. Equal pay is fundamental to the Hay Group evaluation and reward methodologies and this method is the most widely used of its kind and is designed to be applied fairly to all job types and sizes, and to concentrate on the job irrespective of who holds it.
- 5.2 The Council's Management of Change process will apply to the implementation of the proposed new arrangements. An employee Equalities Analysis will be undertaken, and the recruitment process as per the senior management review will ensure that the process is fair to all and is as diversity friendly as possible.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The baseline cost for the senior management team for Children's Services in the previously agreed senior management structure is £1,260,601 per annum.

Any shortfall in these structure changes and any redundancy costs arising from this proposal will be managed within existing service budgets in accordance with the process agreed through the Senior Management Review.

6.2 The Director for Children's Services is a politically restricted statutory chief officer post. In line with the statutory guidance, they should be a first tier officer and report directly to the Chief Executive. The proposed new structure through the incorporation of the statutory function of Director of Children's Services into the role of Director for People is in line with this guidance.

6.3 There are limited people implications arising from this proposal which are listed below and will form the basis of the consultation with the trade unions.

- The current Director of Children's Services role will be deleted and the substantive post-holder will therefore be placed at risk.
- The Director for People post will be amended to include the statutory role of Director for Children's Services

6.4 The proposal will see the establishment of the following posts

- Service Director for Family Services.
- Deletion of role of Assistant Director for Education (vacant post) replaced by Service Director for Education and Skills.
- Deletion of post of Head of High Needs Support (vacant post) replaced by Head of Inclusion and Skills

7. LEGAL ISSUES

7.1 The Children Act 2004 requires every upper tier local authority to appoint a Director for Children's Services (DCS) and designate a Lead Member for Children's Services (LMCS). The DCS and LMCS are appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004 (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by the local authority or in custody (regardless of where they are placed).

7.2 Within this legal framework, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances. However local authorities must ensure there is both a single officer and a single elected member responsible for both education and children's social care.

7.3 Compulsory redundancies (if any) could give rise to unfair dismissal claims. There could also be a claim from an employee under the Equality Act 2010 if they believed they had been treated unfairly during the process because of one of the protected characteristics under the Act.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution Part 3 -Responsibility for Functions – 2 – Responsibility for Council Functions - General Functions Committee discharges council functions not reserved to council including staff matters.

9. BACKGROUND INFORMATION

- 9.1 The statutory guidance for the post of Director of Children's Services makes clear that Local Authorities should each have an integrated children's services brief, ensuring that the safety and the education, social, and emotional needs of children and young people are central to the local vision. The report to the General Functions Committee in April 2012 on the senior management review set out that the Director of Children's Services working with the Cabinet Member and Chief Executive will produce proposals for the future arrangements for Children's Services that

- Enhances the authority's leadership of educational standards and establishes delivery unit arrangements that support this.
- Develops structures to deliver the Families/Troubled Families agenda.
- Creates delivery arrangements that address the issues set out in the OFSTED inspection and those outlined in the Munro report.

- 9.2 The proposal also needs to take account of the new design for the delivery of Council functions which are based around five core units: Delivery Units; Strategic Commissioning Board; Assurance Group; Commissioning Group and Support Services/Customer Services.

- 9.3 Under the proposals, the strategic leadership for the planning and delivery of Children's Services at the Strategic Commissioning Board will sit with the Director for People with the post-holder being the Councils' statutory Director for Children's Services. This post reports directly into the Chief Executive, is a designated Chief Officer and a first tier officer in line with the statutory guidance.

- 9.4 The strategic commissioning of Children's Services in the new arrangements will be led by two dedicated strategic commissioners: A Schools, Skills and Learning Lead Commissioner and a Family and Well-Being Lead Commissioner working as part of the Commissioning Group. Both of these posts have been appointed to through the senior management review process.

- 9.5 The proposals see changes to the nature of shape of the delivery unit functions for Children's Service and the establishment of two separate delivery units covering Education and Skills and Family Services. Headed up by two Service Directors reporting into the Director for People / DCS, these Delivery Units will have responsibility for ensuring that the strategic commissions set by the Commissioning Group are executed whilst having the autonomy to develop operational solutions based on their front-line and professional expertise.

- 9.6 Both Delivery Units will need to have regard to the priorities set out in the Barnet Children's and Young People Plan with both Service Directors being

active members of the Barnet Children's Safeguarding Board and Barnet Children's Trust Board arrangements.

9.7 The proposals also seek to ensure that there is sufficient senior leadership capacity to respond to the challenges facing Barnet's Children's Services.

9.7.1 For the Education Delivery Unit, these include:-

- Ensuring that the Council is discharging its responsibilities linked to Raising the Participation Age and post 16 education and particularly working with the Enterprise and Regeneration Lead Commissioner and Schools Skills and Learning Lead Commissioner to ensure that young people are equipped with the skills to secure employment and support the growth agenda of the Borough.
- That the Council is able to lead the implementation of more personalised education plans for children and young people with special educational needs and that funding arrangements to schools and colleges support young people with high needs to succeed both educationally and as young adults in conjunction with the Adults and Communities Delivery Unit.
- That the new school funding system supports the achievement of the objectives being developed through the Barnet Education Strategy
- That there is the right leadership capacity to ensure that the Council is able to lead the provision of high quality education in the Borough in the context of an increasing plurality of providers, championing the views of parents and vulnerable children so that Barnet continues to offer a first class education for all of it's children and young people

9.7.2 For the Family Services Delivery Unit these include:-

- Embedding the early intervention and family support model through being a leading edge authority in respect of the Troubled Families agenda in conjunction with the Council's statutory partners to improve outcomes and reduce the burden to public services for Barnet's most vulnerable families.
- To have sufficient leadership capacity to deliver the Council's Libraries Strategy.
- To ensure the Council safeguards the most vulnerable children and the community through ensuring that all OFSTED recommendations are acted on and that the Council with it's partners can demonstrate through a new multi-agency inspection framework that it's safeguarding arrangements are robust.
- That the Council is able to discharge the new proposed responsibilities for young people who are on remand.
- That the Council improves its performance in respect of adoption in line with the Government's strategy for increasing the number of children who are adopted in a timely way.

9.8 Further details on the proposal including key timescales are set out in Appendix One to this report.

9.9 Trade Unions were briefed in confidence on the re-organisation of the Council's structures in respect of Children's Services and throughout the transition will be kept informed of changes and outcomes.

10. LIST OF BACKGROUND PAPERS

- 10.1 Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services. This can be downloaded from the web at <http://www.education.gov.uk/a00206182/stat-guidance-04-2012>

Cleared by Finance (Officer's initials)	MC
Cleared by Legal (Officer's initials)	LC