

	<p style="text-align: center;">Executive 10th October 2005</p> <p style="text-align: center;">Report from the Chief Executive</p>
<p>For Action Wards Affected: ALL</p>	
<p>Future arrangements for the management of the Adults and Social Care Services</p>	

Forward Plan Ref: HR-05/06-02

1.0 SUMMARY

- 1.1 The Executive considered a report on 12th April 2005 setting out proposals by the Chief Executive to modernise the structures of Brent Council. The changes to the Council's structures agreed by the Executive were implemented with effect from 4th July 2005. This report sets out further proposals for amendments to the structure following the decision of the current Director of Adults and Social Care to accept an appointment with another local authority.

2.0 RECOMMENDATIONS

The Executive is recommended to:

- 2.1 Agree the establishment of a new Department of Housing and Community Care to include the statutory function in relation to Adult Social Services and in addition to take the corporate lead on housing, adult social services, customer services, and voluntary sector support.
- 2.2 Agree to create a new post of Director of Housing and Community Care and agree the attached Job Description and Person Specification for the post which includes the statutory role of Director of Adult Social Services.
- 2.3 Agree the deletion from the Council's establishment of the posts of Director of Adults and Social Care and Director of Housing and Customer Services, and the dissolution of the departments of Housing and Customer Services and Adults and Social Care.

- 2.4 Note the recommendation to retain two separate Lead Member portfolios for Adults, Health and Social Care, and Housing and Customer Services.
- 2.5 Note that the appointment to the new Director of Housing and Community Care will be made by a Senior Staff Appointments Sub-committee and is likely to be made in November 2005.
- 2.6 Note that a review of the structure of the new department will be carried out once the implications of the forthcoming White Paper on Adult and Community Care and subsequent legislative changes, if any, are clear.
- 2.7 Authorise the Chief Executive, in consultation with the Director of Human Resources and Diversity, to take such other steps as may be necessary to ensure effective implementation of these proposals.
- 2.8 Agree that the structural changes to the Council outlined in this report and summarised in the recommendations above will take effect on Monday 31st October 2005.

3.0 DETAILED CONSIDERATIONS

Background

- 3.1 The Executive agreed formally in April changes to the structure of the Council which included the establishment of new departments with responsibility for, respectively, Housing and Customer Services, and Adults and Social Care. The post of Director of Adults and Social Care (which carried out the statutory function of Director of Adult Social Services) was also established, with the existing Director of Social Services being appointed to that post. The new structure has been operating since the beginning of July 2005.
- 3.2 Since the start of the new structure the Director of Adults and Social Care has accepted a senior appointment with the Corporation of London, and will be taking up her new job with them on 10th October 2005. As with the departure of any departmental director, this provides an opportunity for a review of the management arrangements for the organisation, in particular the management of the Adults and Social Care Department. Although such a review would not normally follow so closely on a major re-structuring of the Council, her departure creates a 'window of opportunity' to assess future arrangements.
- 3.3 The options open to the Council are:
1. to retain the current arrangement with a free-standing Adults and Social Care Department and proceed to appoint a new Director;
 2. to merge the Adults and Social Care Department with another service department with compatible aims and objectives; or
 3. to abolish the Adults and Social Care Department and re-distribute its functions to the remaining service areas across the Council.

3.4 These options have been the subject of a rapid but comprehensive consultation with the various stakeholders. I have consulted the current Directors of Housing and Customer Services and of Adults and Social Care, who are both supportive of the option 2 above. In addition a consultation paper has been circulated to senior managers and to staff in the two departments, setting out the options and the case for each. Managers have held meetings with staff to discuss the options and to allow opportunities for questions and feedback on the implications. The trade unions have been invited to meet with officers to discuss the proposals although at the time of writing no meeting has been arranged.

3.4 The responses received have presented a range of views, which are summarised below:

- There is a broad support for option 2 as highlighted above, although some staff have commented that more time could have been allowed for the consultation and that the 'status quo' option has not been sufficiently explored. There are concerns that there should be no dip in service as a result of the transition to the new department and subsequent re-organisation, which might impact on the achievement of an 'excellent' CPA rating
- Staff in both departments have identified the opportunities merger will provide to improve and develop services, and that there are synergies and areas for joint work on a common agenda such as supporting people and elder care provision, disabled people and adaptations, hospital discharge scheme, social inclusion, special needs and refugees and asylum seekers.
- Staff in both departments have emphasised the importance of the name of the new department, although there is no consensus about what this should be. One view is that the name should be completely new rather than trying to combine existing titles, while there is also a view that retention of "social care" in the title is essential. There are reservations that if the merger is seen as a take-over of one department by another the focus of the social care agenda could be lost or down-graded. It is essential that there is confidence in the ability of the new department to discharge effectively the statutory responsibilities in relation to adult social care.
- There are anxieties, particularly amongst staff in the 'business support' functions of the two departments – human resources, finance, information technology – where there may be duplication of roles. They have voiced their reservations about the potential implications for jobs in these areas following any re-structuring which may be implemented next year [see paragraph 3.15 below]. As a result there is a general view that any changes to structures proposed next year should be subject to extensive communication, information and consultation with managers and staff, and not rushed into.
- A number of senior managers have commented on the practical implications of the merger for senior managers' workload, and how this may be handled. They

believe that the new Director will need to address this issue with his management team as a matter of urgency once appointed.

3.6 I have considered the feedback to the consultation undertaken and on balance I believe that option 2 is the most appropriate way forward. This report sets out my proposals for the future of the Adults and Social Care Department in light of the outcome of this consultation process.

3.7 The modernisation programme and structural changes to the Council structure agreed by the Executive in April were underpinned by a number of guiding principles:

- change should as far as possible be kept to the necessary minimum, while taking this opportunity to make other sensible changes where it makes organisational sense;
- changes should demonstrably help to strengthen our capacity to deliver the Corporate Strategy and our local improvement agenda;
- structural changes should result in departments which have a clear *raison d'être*, a sufficient 'critical mass' and a capacity to endure for at least 5-10 years without major subsequent revisions;
- managerial structures should, as far as possible, be mirrored in the portfolios of Executive members to ensure proper transparency, scrutiny and accountability to elected members;
- change should be implemented as soon as possible in order to minimise short term disruption or loss of focus on customer requirements;
- structural change should not lead to any increase in costs in the medium term although there are likely to be some transitional costs as we move from one structure to another. Wherever possible, we should seek to identify efficiency savings from the new structures;
- proposed changes should be subject to proper briefing and/or consultation with the staff and trade unions in the affected areas;
- changes introduced should enhance Brent Council's identity as a single unified organisation and promote multi-functional working across service areas and professional boundaries.

3.8 The recommendations set out in this report reflect these principles.

Proposals

3.9 The Adults and Social Care Department took over responsibility for a broad range of services to adults previously undertaken by the Social Services Department. It was also given lead responsibility for the development of the elders, public health and health liaison agenda together with the Voluntary Sector Support Team. The Department therefore covers the following services:

- Adult Physical Disability Team
- Brent Learning Disability Partnership

- Older People's Services
- Emergency Duty Team (generic)
- Brent Mental Health Service (including three sector teams and a resource team)
- Elders strategy and policy implementation (corporate lead role)
- Public health promotion, development and implementation
- Joint working with the NHS at national, regional and local levels
- Inter-agency liaison (e.g. with LSP) on the health and social care agenda
- Voluntary Sector Support Team

3.10 At the time of the review earlier this year a number of options for the future of adult care following the creation of the new Children and Families Department were considered. Although there were a range of views expressed during the consultation period, there was general agreement that:

- there needs to be a client-based approach to adult services;
- that any new adult services department would need to work closely with other service departments; and
- whatever the structure, the need for the service to work with a range of internal and external partners would continue to grow.

3.11 One of the major concerns of respondents which came out of the original consultation process prior to the establishment of the department was that an Adult Services department which did not include responsibility for the wider services affecting adults could result in lack of 'critical mass' and co-ordination and lead to it being marginalised.

3.12 It was accepted that the Adults and Social Care Department as established would cover a sufficient range of services and retain sufficient mass to ensure its viability. However, the current circumstances provides a further opportunity to reinforce the critical mass whilst at the same time further integrating a range of services provided to the community by this department and Housing and Customer Services. Retention of the existing structure is of course a viable option, but it does have the disadvantage that, while the post is vacant, the essential leadership and direction which the Director would provide will be missing at a key point in the development of adult services. The third option, involving dismemberment of the department and distribution of its functions across other departments, is not supported by any of the key stakeholders, and would provide a negative message to staff and service users about the importance the Council places on these services. It would also require that the statutory function of Director of Adult Social Services be allocated to one of the other directors.

3.13 I therefore believe that the Council should take the opportunity to merge the Adults and Social Care Department and the Housing and Customer Services Department to create a new Department of Housing and Community Care. There are already close linkages between the two service areas and the client groups they serve. Both have

a significant social inclusion orientation, a strong partnership ethos and a strong commitment to promotion of diversity issues. There are currently substantial areas of common interest on issues such as:

- supporting people;
- refugees and asylum seekers;
- tackling domestic violence; and
- neighbourhood renewal.

These linkages and synergies between the two departments provide a strong foundation for the integration into a single department. The Director of the new department would also discharge the statutory post of Director of Adult Social Services. I consider the proposed name for the new department ensures that proper prominence is given to the social agenda as identified in the responses to consultation.

- 3.14 I propose that the creation of the new department should be expedited to minimise uncertainty amongst staff following the departure of the current Director of Adults and Social Care. Therefore, subject to the approval of the Executive the new department will be formally established with effect from Monday 31st October 2005. Prior to the establishment of the new department the existing Director Of Housing and Customer Services will assume management responsibility for the existing Adults and Social Care department, including the statutory responsibilities of the Director of Adult Social Services. After 31st October he will become the Acting Director of Housing and Community Care until such time as a permanent director is appointed by the Senior Staff Appointments Sub-Committee.

Appointment of Director of Housing and Community Services

- 3.15 Appointment to the post of Director of Housing and Community Care will be made by a Member-level Senior Staff Appointments Sub-Committee. I have attached to this report a draft job description and person specification for the new post for approval by the Executive. The existing Director of Housing and Customer Care is entitled to be ring-fenced, in accordance with Council procedures, for consideration for the new post, but the appointment will be made by a Member-level panel [see paragraph 4.2 below]. Notice of the appointment has to be served on members of the Executive by the Director of HR before any proposed appointment can be confirmed.

Structure of the New Department

- 3.16 Both existing departments affected by the merger have recently gone through a process of change and reorganisation following their establishment earlier this year. This has included the creation of new departmental management teams and, in the case of the Adults and Social Care Department, a re-structuring of business support services. Clearly the establishment of a new single department will require a further

round of re-structuring to ensure that it is 'fit for purpose'. Normally I would envisage such re-structuring to take place as soon as possible after the creation of the new department to ensure its effectiveness and to reduce staff uncertainty during any period of change. However, in the current circumstances, I believe it would be appropriate to hold back from any major re-structuring of the department until the outcome of the Government's consultation on its Green Paper on adult services, 'Independence, Well-being and Choice – Our Vision for the Future of Social Care for Adults in England', is known. A White Paper setting out specific proposals for the services is due to be published shortly and is likely to propose significant change to the services by comparison with current arrangements. It would therefore make sense to defer the establishment of new departmental structures until the Government proposals and their implications for service delivery are clearer. The new Director would at that point carry out a review of the structure and organisation of the department and, where necessary, prepare a report for a future meeting of the Executive containing proposals for change.

- 3.17 In the immediate future the proposals will not therefore involve a reduction in the number of Assistant Director posts - this will be an issue to be looked at in more detail once the White Paper proposals are known. The existing Assistant Director job descriptions will for the time being remain unchanged. The current Assistant Directors would be assimilated into the equivalent posts in the new department on their current job description, in accordance with the Council's policies on handling reorganisations.
- 3.18 In the interim I therefore propose that any consequential changes to the structures should be kept to a minimum. The majority of staff in the new department would in any event be unaffected by the change, and would continue to deliver front-line services to the community. This would also allow the new departmental management team to give priority to service delivery pending publication of the White Paper.
- 3.19 However, where the new Director identifies any immediate scope for change which will not impact on the wider review of the structure of the new department – post White Paper – such opportunities should be taken. This could include, for example, the provision of information technology services which are currently under review in both existing departments.

Public Health

- 3.20 At the time of its establishment the Adults and Social Care Department was given responsibility for the public health agenda envisaged in the Government's White Paper of November 2004. It was anticipated that the new Director of Adults and Social Care Department would require additional high level support to develop a strategy for this area. It was therefore agreed by the Executive that the new Director should prepare a report to a future meeting of the Executive on the resource implications of the expanding public health agenda. However, in light of my proposal to defer major re-structuring of the new department following merger, I feel that it would not now be either appropriate or feasible to proceed to create and appoint to a new post of Assistant Director responsible for Public Health, Elders and Voluntary

Sector. Such an appointment at this time would create a top-heavy second tier structure in the new department and take up resources which could potentially be better used elsewhere. I will undertake a separate consultation exercise with senior colleagues and other stakeholders on future arrangements to discharge our public health responsibilities. In the interim, responsibility for Elders and Voluntary Sector will continue to be discharged by the existing Assistant Directors.

Voluntary Sector Support Unit

- 3.21 As part of the modernisation earlier this year, the Voluntary Sector Support Unit was transferred from the Education, Arts and Libraries Department to the new Adults and Social Care Department. Following discussion with relevant parties, it is clear that the preferred option would be for this unit to remain with the adult services function. I therefore propose that this unit transfers to the new Department of Housing and Community Care.

Lead Member Portfolios

- 3.22 There are currently two Lead Members for Housing and Customer Services and Adults, Health and Social Care. I believe that it would be preferable to maintain two separate portfolios for the two areas comprised in the new merged department. This would ensure proper transparency, scrutiny and accountability to elected members. It would also be consistent with previous Government recommendations that authorities should appoint a Lead Member for Adult Social Services. Full Council may also want to consider in the future where the scrutiny role for Housing and Adults will be carried out. Currently there are two relevant scrutiny panels, Adults and Social Care, and Quality of Life. Housing issues usually go to the Quality of Life Scrutiny Panel.

Deletion of Existing Director Posts and Departments

- 3.23 The creation of a new Housing and Community Care Department will require a formal decision to delete the existing Adults and Social Care Department and Housing and Customer Services Department and their Director posts.

Departmental Organisation Chart

- 3.24 Attached to this report is a revised diagrammatic chart setting out the proposed interim structure of the new Department based on the recommendations above. These provide a summary of the functions, management structure and responsibilities of the new department.

4.0 IMPLEMENTATION

Staffing Implications

- 4.1 As set out earlier in this report, the restructuring arising from the amalgamation of the two existing departments will have no immediate impact on staff other than the Director posts and their Personal Assistants, both of which post would have to be

deleted and replaced by a new single PA post. Initially it is proposed that existing Assistant Directors will retain their present areas of responsibility pending a wider review of the structure of the department. Staff below the level of Assistant Directors will similarly continue in their current role.

- 4.2 The Director of Housing and Customer Services is, under the Council's reorganisation procedures, entitled to be ring-fenced for consideration for the new post of Director of Housing and Community Care. The interview and appointment will be made by a Senior Staff Appointments Sub-committee. It is hoped that such an interview could be arranged to take place in November. Pending the establishment of the new department the Director of Housing and Customer Services will, as outlined above, assume management responsibility for the existing Adults and Social Care department, including the statutory responsibilities of the Director of Adult Social Services. From 31st October he will become the acting director of the new department.
- 4.3 Once the new Director has had an opportunity to review the long-term structure of the new department, it is likely that there will be a small number of areas where the changes will require consequential staff reorganisations. Although the outcome of such a review will depend on other issues such as the contents of the Adult Social Services White Paper and subsequent enactments, it can reasonably be anticipated that the staff most likely to be affected will be at Assistant Director level or located in the business support functions. It is expected that such a review will be carried out once the implications of the White Paper have been identified. In the meantime the emphasis will be on ensuring that the staff of the new department can focus on service delivery.
- 4.4 Any subsequent reorganisation will be carried out in accordance with the Council's procedures for handling reorganisations. This will include detailed consultation with the staff affected and their trade unions.
- 4.5 As described above the two existing PA posts will be deleted and a new single PA post created in their place. This will be managed in accordance with the Council's usual policies and procedures.

Accommodation

- 4.6 Following the reorganisation in July, a number of accommodation moves have been made by the affected staff, and it is not envisaged that any further extensive moves will be required. Such moves as are required should not impact on many staff and are unlikely to have any financial implications. In terms of integration of the services it will assist the process that the two departments are currently co-located in Mahatma Gandhi House, although there are a number of smaller outstations.

Timetable for Implementation

- 4.7 I proposed for the original review that implementation of changes should not impact adversely in terms of disruption or loss of focus on customer requirements. For these further proposed changes the same principle will apply: functions, services and

staff groups will transfer en bloc with their existing locations, roles and management structures in place. On this basis, the timetable would be as follows:

Monday 10 th October	Report to the Executive
Monday 10 th October	Director of Housing and Customer Services becomes interim manager of the Adults and Social Care Department, and assumes also on an interim basis the statutory role of Director of Adult Social Services
Monday 31 st October	Establishment of new Department of Housing and Community Care
November	Ring-fenced interview for appointment of Director of Housing and Community Care
Mid-2006	Review of the structure of the new Department and, where appropriate, report to Executive

4.8 There may be a small number of detailed issues which will need to be addressed to ensure the successful establishment of the new Department, and I propose that the Executive should authorise the Chief Executive, in consultation with the Director of Human Resources and Diversity, to take such other steps as may be necessary to ensure the effective implementation of these proposals.

4.9 I therefore recommend that all the structural changes to the Council outlined in this report and summarised in the recommendations above will take effect on Monday 31st October 2005.

5. FINANCIAL IMPLICATIONS

5.1 The report proposes a significant change to the structure of the Council. It is anticipated that the establishment of the new Department will not involve any additional expenditure in the current financial year, beyond that already provided for under the earlier re-organisation.

Deletion of Director Post

5.2 The deletion of the two Director posts and the creation of a new post of Director of Housing and Community Service will result in a net saving on the salary budget. It is likely that as a consequence of the deletion of this post the two current Personal Assistant posts will also be deleted, and a new post of PA to the new Director will be created. The existing postholders will be considered for redeployment but in the event that suitable alternative employment cannot be found, this may result in some additional costs arising from any redundancy/pension payments which may become liable. The full-year savings, including on-costs and indirect costs, will be in the region of £200,000. The net overall saving will be allowed for within the 2005/06 revenue projections, and the 2006/2007 budget.

- 5.3 No specific budget provision had been identified to fund an additional Assistant Director post to lead on new responsibilities under the Public Health agenda, set out in Paragraph 3.17

Other Staffing Costs

- 5.4 As set out in the report, there should be no other significant staffing costs arising from the creation of the new Department. Any that might subsequently occur will be required to be met from existing budgets.

6.0 LEGAL IMPLICATIONS

- 6.1 The Children Act 2004 amends section 6 of the Local Authority Social Services Act 1970. This amendment requires a local authority in England to appoint an officer as the Director of Adult Social Services once the authority has appointed a Director of Children's Services and in any case once the duty to appoint such a director comes into force. There will no longer be a requirement to appoint a Director of Social Services.

- 6.2 The Director of Adult Social Services is responsible for the delivery of local authority social services functions listed in Schedule 1 of the 1970 Act other than those for which the Director of Children's Services is responsible, in respect of adults.

- 6.3 Individuals affected by the proposals will be subject to assimilation or ring-fencing or redeployment, as the case may be. Any redundancies will be managed in accordance with the Council's normal redundancy and redeployment policies and procedures. Appointment, to the new post at Director-level will be decided by members. A Senior Staff Appointments sub-committee will need to be convened for that purpose. The appointment will need to be made in accordance with Standing Orders and any guidance issued in accordance with the Act. Such guidance has been consulted on but has not yet been finalised.

- 6.4 The government has recommended the appointment of a Lead Member for Adult Social Services, although this is not yet a statutory requirement.

7.0 DIVERSITY IMPLICATIONS

- 7.1 The purpose behind the report is to enhance services provided to local people and to strengthen the Council's presence at a local and neighbourhood level. The merger of the two departments should impact positively on the experience of local residents of all backgrounds. We will ensure that diversity considerations are built into the implementation of the recommended changes at every stage of the process. Officers have not identified any negative diversity impacts from these recommendations. There is an issue with the status and location of the Principal Diversity Officer in the old Social Services Department, whose services are currently shared between Children and Families and Adults and Social Care departments. There will need to

be a discussion between the departments affected as to where this postholder should sit following the merger.

The Director of Human Resources and Diversity will lead on the co-ordination of the implementation across the two departments, and it is anticipated that the Corporate Diversity Team will also contribute to the process and provide a degree of critical scrutiny to our implementation arrangements.

Background Papers

1. 'Independence, Well-being and Choice – Our Vision for the Future of Social Care for Adults in England': Green Paper
2. Report to Executive Committee, 12th April 2005: "Modernising Brent Council: Structural Changes"

Contact Officers

The contact officer for this report is Gareth Daniel, Chief Executive, Room 207, Town Hall, Forty Lane, Wembley, Middlesex, HA9 9HD. Tel: 020 8937 1007, email: gareth.daniel@brent.gov.uk

GARETH DANIEL
CHIEF EXECUTIVE