



## General Purposes Committee

**Thursday 7 November 2013 at 7.00 pm**

Board Room 2 -Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

#### Members

Councillors:

Butt (Chair)  
R Moher (Vice-Chair)  
Brown  
Hirani  
Hopkins  
Kansagra  
Lorber  
McLennan  
J Moher  
Pavey

#### first alternates

Councillors:

A Choudry  
Jones  
Beck  
Van Kalwala  
Sneddon  
Colwill  
Hunter  
Al-Ebadi  
Chohan  
Arnold

#### second alternates

Councillors:

Krupa Sheth  
Kabir  
Matthews  
Aden  
Green  
BM Patel  
Leaman  
Naheerathan  
S Choudhary  
Mrs Bacchus

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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[democracy.brent.gov.uk](http://democracy.brent.gov.uk)

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
<b>1</b>	

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 6
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<b>3</b>	<b>Matters arising</b>	
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<b>4</b>	<b>Deputations (if any)</b>	
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<b>5</b>	<b>Appointments to Sub-Committees / Outside Bodies</b>	
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<b>6</b>	<b>Time off policy and procedures</b>	7 - 28
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This report provides details of the proposed new Time Off Policy and associated procedures which will replace the current arrangements. There are no proposals to make any significant changes to the current arrangements. Whilst reviewing all of our HR policies and procedures the opportunity has been taken to bring together all the different leave arrangements operating within the Council into a single policy document.

**Wards Affected:**

All Wards

**Contact Officer:** Cara Davani,  
Director, HR

Tel: 020 8937 1909

[cara.davani@brent.gov.uk](mailto:cara.davani@brent.gov.uk)

<b>7</b>	<b>Restructure of senior management of the Council</b>	29 - 38
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This report recommends some changes to the senior management structure agreed in March 2013. Difficulties which emerged through the recruitment and selection process for two of the Strategic Directors have triggered a recent review. This review has also taken account of the increasing complexity and possible costs of the changes envisaged for adults' social care. Charts outlining the current structure and the proposed structure are presented as Appendices 1 and 2.

**Wards Affected:**

All Wards

**Contact Officer:** Christine Gilbert,  
Interim Chief Executive

Tel: 020 8937 1007

christine.gilbert@brent.gov.uk

**8 Any other urgent business**

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE GENERAL PURPOSES COMMITTEE Wednesday 4 September 2013 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Al-Ebadi (alternate for Councillor Mashari), Kansagra, Lorber and Pavey

Apologies for absence were received from: Councillors Brown, Hirani, Hopkins, Mashari and J Moher

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 4 July 2013 be approved as an accurate record of the meeting, subject to the following amendment:-

Page 1, under 'Apologies for absence', add 'Councillor Kansagra'.

3. **Matters arising**

None.

4. **Joint Negotiating Committee Conditions of Service**

Cara Davani (Operational Director, Human Resources) introduced the report that outlined details of a review of Joint Negotiating Committee (JNC) conditions of service for chief officers. The review had concluded that chief officer posts be determined from those senior management positions that fall within the JNC definition of chief officer and that they be employed on JNC terms and conditions, whilst retaining local variations. Cara Davani advised that this would also be in accordance with the council's constitution. In respect of all other senior managers on Hay grades, these would be employed under National Joint Council (NJC) terms and conditions which would bring them in line with all other staff and provide greater alignment across the organisation, whilst there would be retention of some local variations that are beneficial to the council. In addition, disciplinary arrangements and appeals for senior managers on Hay grades were to be brought in line with all other staff in order to ensure greater equity. Hay staff were also to be formally subject to the council's staff appraisal arrangements, although Cara Davani advised that in practice this was already being undertaken. The last proposal was to

implement a pay award consistent with that for all other staff where the JNC for chief officers does not negotiate a pay award.

During discussion, it was noted that Hay staff would no longer have entitlement to legal representation at disciplinary hearings in order to bring them in alignment with other staff. It was queried whether in fact all staff should be entitled to legal representation in order to meet legal requirements under the Human Rights Act. An explanation was also sought in respect of the reasons for classifying the Assistant Chief Executive and the Operational Director of Human Resources as chief officer posts.

In reply, Cara Davani advised that legally there was no requirement for legal representation at council disciplinary level, and nor would it be feasible to have a lawyer present at every disciplinary proceedings in view of the resources required. However, she advised that every appellant would continue to be entitled to a representative, such as a trade union representative or a work colleague. In respect of definition of chief officer, Cara Davani advised that this was required under the council's constitution and included Corporate Management Team (CMT) members and those entitled to attend CMT meetings, including the Assistant Chief Executive and Operational Director of HR.

RESOLVED:-

- (i) that strategic directors, operational directors with responsibility for a statutory function and the Assistant Chief Executive and Operational Director HR be classified as chief officers in accordance with the JNC definition for chief officers and be afforded JNC terms and conditions as modified by other proposals in this report and the local variations to the existing contract for Hay graded posts be retained in accordance with the council's constitution;
- (ii) that all other posts on Hay grades to revert to NJC for Local Government Services terms and conditions whilst retaining the local variations to the existing Hay contract;
- (iii) that those posts identified as statutory chief officer posts as set out in the constitution be updated in line with the constitution;
- (iv) that disciplinary arrangements for senior managers be brought in line with all other staff;
- (v) that the consultation arrangements in the JNC conditions be aligned where it is proposed to delete a chief officer post with the council's managing change arrangements for all other staff;
- (vi) that the council's appraisal arrangements for Hay grade staff be adopted, as is current practice; and
- (vii) that a pay award which is consistent with that being rolled out for all other staff where the JNC for Chief Officers does not negotiate a pay award be implemented.

## 5. **Managing change policy and procedure**

Cara Davani introduced this item and informed members that a new managing change policy and procedure was proposed to supersede the existing one. The new policy and procedure would be simplified to provide greater flexibility for managing organisational change both for employees and the council, whilst the consultation period for redundancies was to be amended in line with the changes in legislation. Job matching would be based on previous and new job descriptions as opposed to person specifications, whilst grade ranges would change to one grade up to one grade down. Cara Davani advised that the council's redundancy policy would become contractual and explained that severance pay had in practice always included the enhancement element so this would now be contractual. Members noted that this proposal had the support of the trade unions.

During members' discussion, it was queried whether making the redundancy policy contractual would have any tax implications. Further clarification was sought as to using job descriptions rather than person specifications for job matching and what the views of the trade unions were in respect of the consultation period being reduced.

In reply, Andrew Potts (Principal Employment and Education Lawyer, Legal and Procurement Department) advised that redundancy payments were tax exempt up to £30k. Cara Davani advised that job matching through job descriptions was desirable because it focused on the actual job rather than the individual, whilst the person specification was more subjective. In respect of the consultation period for redundancies, no objections had been raised by the trade unions and the council could extend the consultation period if it felt that it was appropriate. The Chair added that consultations had been extended previously.

Councillor Kansagra suggested that the second recommendation in report should include member involvement in consultation and it was agreed that this would be the Leader of the Council. Cara Davani also advised of a further amendment to the second recommendation that consultation with the Director of Governance and Corporate Services be deleted as this was no longer applicable.

RESOLVED:-

- (i) that the new managing change policy and procedure be agreed with effect from 5 September 2013; and
- (ii) that the Operational Director, Human Resources (or Deputy), in consultation with the Leader of the Council and then in consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the managing change policy and procedure to ensure it remains relevant and 'fit for purpose'.

## 6. **Attendance policy and procedures**

Cara Davani introduced the report and advised that it was proposed to simplify the new attendance policy and procedures and to incorporate some existing policies,

including the managing alcohol, drugs and substance misuse policy. The triggers for intervention had also been modified slightly to allow the council to take a more proactive stance in supporting staff who may have health issues in managing their sickness levels. The trade unions had suggested that patterns of absence should also be taken into account and this had been taken on board and included in the proposals.

During discussion by committee, further details were sought in assessing when a member of staff was sick and their ability, for example, to work from home. Comparisons of levels of staff absenteeism with other London boroughs was requested and reasons sought as to why the policy was being strengthened in view that absence levels were comparatively low. Clarification in respect of doctor and dentist appointments was also sought.

In reply, Cara Davani advised members that if staff had been identified as being sick, then they should not be working in any setting, including at home. However, there may be some situations where they were fit to work but unable to travel to work because of their physical condition, in which case home working may be agreed. Cara Davani advised that staff absenteeism rates were amongst the lowest of all London boroughs and well below the average, however there was a perception that there may be some under reporting of absenteeism and in some instances of taking the maximum absence from work without activating triggers for intervention. For these reasons, it was felt that the changes to the policy would be beneficial, as well as providing the opportunity for earlier intervention. Cara Davani added that an assessment would be undertaken to see if there was any impact as a result of the introduction of the new absence management system. Members noted that managers were encouraged to ensure that their staff sought doctor and medical appointments at the beginning or end of the working day wherever possible to minimise the impact on their work.

RESOLVED:-

- (i) that the new attendance policy and procedure be agreed with effect from 5 September 2013; and
- (ii) that the Operational Director, Human Resources (or Deputy), in consultation with the Leader of the Council, and then in consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the attendance policy and procedure to ensure it remains relevant and 'fit for purpose'.

**7. Appointments to Sub-Committees / Outside Bodies**

None.

**8. Any other urgent business**


None.

The meeting closed at 7.40 pm



M BUTT  
Chair

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 <b>Brent</b>	<p style="text-align: center;"><b>General Purposes Committee</b></p> <p style="text-align: center;"><b>7 November 2013</b></p> <p style="text-align: center;"><b>Report from Operational Director Human Resources</b></p>
Wards affected: ALL	
<b>Time Off Policy and Procedures</b>	

## **1.0 Summary**

- 1.1 This report provides details of the proposed new Time Off Policy and associated procedures which will replace the current arrangements. There are no proposals to make any significant changes to the current arrangements. Whilst reviewing all of our HR policies and procedures the opportunity has been taken to bring together all the different leave arrangements operating within the Council into a single policy document.

## **2.0 Recommendation**

- 2.1 The General Purposes Committee is asked to:
- a. agree the new Time Off Policy
  - b. authorise the Operational Director, Human Resources (or Deputy), in consultation with the Leader and then consultation with the relevant trade unions, to make such other changes as may be necessary from time to time to the Time Off Policy and associated procedures to ensure they remain relevant and 'fit for purpose'.

## **3.0 Detail**

- 3.1 The Council regularly reviews its HR policy framework to align its policies and procedures to the organisational objectives, incorporate legislative changes and to reflect current modern HR practice.

3.2 Currently there is no framework document for the Council's leave arrangements covering:

- annual leave
- special leave
- maternity leave
- paternity leave
- adoption leave
- parental leave

It is considered both from a management and employee perspective it would be beneficial to bring the leave arrangements together into a single policy document. The policy document is attached to this report for the Committee to consider. There are no proposed changes to the time off arrangements other than to offer a consistent paternity leave entitlement to staff regardless of length of service. The opportunity has been taken to rationalise and simplify the presentation of the information to make it more accessible and easily understood. Much of the leave entitlements are embedded in statute and/or the NJC terms and conditions. The Council similar to many other authorities follows the statutory provisions and NJC conditions although there are areas where the Council's arrangements are more generous.

3.3 Currently the Council provides paternity leave based on the two week statutory provision. Prior to 1992 the Council had a more generous Maternity and Paternity Leave Scheme in place. This Scheme remains available to staff who were in post prior to 1992 and have remained in the employment of the Council. Post 1992 the Council introduced maternity and paternity arrangements based on the statutory provisions and the NJC terms and conditions. It is not proposed to change the current maternity arrangements. In the current financial climate these are considered to be reasonable and affordable. For staff in post prior to 1992 it is proposed to continue to honour the agreement reached with the trade unions and staff and they will continue to receive the enhanced maternity arrangements.

3.5 In respect of paternity leave it is considered that in terms of equality the paternity leave does not reflect the Council's commitment to support parental responsibilities in an even handed way. It is therefore proposed that the pre 1992 paternity leave of three weeks be afforded to all staff who become eligible in the future. It is considered that this can be managed without having any detrimental impact on service delivery and within departmental budgets.

3.4 As with all the Council's policies and procedures the Time off Policy and associated procedures is designed to ensure that all employees are treated fairly and consistently when managing time off whilst ensuring that services are properly maintained and delivery is not impaired.

#### **4.0 Implementation Date**

4.1 It is recommended that the policy becomes live on 11 November 2013. Albeit there is little change to the leave arrangements there will be a communications plan to support the roll out of the policy and guidance for managers. Human Resources advisers will be fully briefed to provide support to managers.

## **5.0 Financial Implications**

- 5.1 The increase of paternity leave from two weeks to three weeks for all eligible staff not currently enjoying this benefit will be managed within existing resources and through the management of leave arrangements within service areas.

## **6.0 Legal Implications**

- 6.1 The Time Off Policy is underpinned by employment legislation and the Equalities Act as well as the NJC terms and conditions. The application of the Policy will accord with the Council's commitment to the basic principles of fairness in managing its workforce.

## **7.0 Diversity Implications**

- 7.1 The policy and procedure is applicable to all staff and provides a consistent approach to implementing leave arrangements fairly and in keeping with the Council's aim to build a flexible workforce where flexibility works both for employees and services. The Time Off Policy and Procedures will be continually monitored to ensure it is implemented fairly across the Council.

## **8.0 Staffing/Accommodation Implications**

- 8.1 Brent is moving towards a flexible workforce and the consolidation of the different time off arrangements into a single framework policy will assist the organisation to manage leave arrangements fairly both in the interest of the organisation and employees. There are no other implications in addition to those otherwise set out in the report. Consultation has taken place with the HR Improvement Group and CMT who have endorsed the approach. The trade unions have been consulted on this policy and are content with its content.

## **Background Papers**

The draft Time Off Policy and Procedures are appended to this report  
Current individual policy and procedure documents held on the Intranet.

## **Contact Officer**

Cara Davani  
Operational Director, Human Resources

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## Time Off Policy



## INTRODUCTION

This policy outlines all of the Council's time off arrangements:

- [Annual Leave](#)
- [Special Leave](#) (including compassionate leave)
- [Maternity Leave](#)
- [Paternity Leave](#)
- [Adoption Leave](#)
- [Parental Leave](#)

Details relating to flexi time and time off in lieu are contained within the Council's Flexible Working policy.

## ANNUAL LEAVE

The leave year is from 1 April to the following 31 March.

All requests for annual leave have to be considered in the context of the needs of the service. If managers believe that service could be adversely affected by granting a leave request, then the manager will discuss this with the employee to try to reach an acceptable alternative.

An employee will receive a pro-rata amount of annual leave up to their last day of employment with the Council.

**To calculate your Annual Leave, visit:**

- ❖ **Brent IntraWeb**
  - **My Employment**
    - **Working For Brent**
      - **Time Off Work**
        - ◆ **Annual Leave**
          - [How to calculate annual leave \(.pdf\)](#)

The tables provide a quick and easy way to calculate your annual leave.

### **Full-time employees**

Employees on NJC Conditions of Service who are **full time** without continuous local government service are entitled to a minimum of 22 days annual leave, plus 4 extra statutory days determined by the Council in a leave year.

Annual leave entitlement will be increased to 29 days after five years' continuous local government service. In the first year this will be a pro rata amount based on the number of months remaining in the leave year rounded to the nearest full day.

Additionally, a day's leave after the fifth, tenth and fifteenth year of continuous service with Brent will be granted. Brent related service days are based on completed years of service at the start of the leave year 1<sup>st</sup> April.

### **Part-time Employees and Employees Working Condensed Hours**



Employees who work part-time are entitled to the same leave entitlement as full-time employees, on a pro-rata basis.

Annual leave will normally be calculated in hours for employees who do not work the same hours every day and employees working condensed hours.

A part-time employee will receive a pro-rata amount of bank holidays, which will normally be added to the annual leave entitlement. Leave must be booked if a working day falls on a bank holiday.

Employees working condensed hours have the bank holiday entitlement added to their annual leave entitlement and are required to book the number of hours they would normally work as annual leave when a bank holiday falls on their working day. If a bank holiday coincides with a non-working day, there is no requirement to book leave.

Employees who work on a casual basis have their annual leave paid as a proportion of their hourly rate.

### **Example of Leave Calculation Employees Working Part Time Hours**

The following is an example of how annual leave is calculated based on a 36 hour week and 26 days annual leave for full time employees.

An employee working 18 hours per week has an annual leave entitlement of 13 days, calculated as follows:

Full time leave entitlement 26 + 8 Bank Holidays\*

= 33 days multiplied by 7.2 (hours) – the number of hours worked daily if working full time.

= 237.6 - divided by 36 (hours), the full-time working week.

= 6.6 - multiplied by 18, - the part-time hours worked by the employee.

**= 118.8 hours annual leave entitlement**

**As this entitlement already includes a pro-rata amount of leave for bank holidays, employees will be required to book leave when a bank holiday falls on their working day.**

\*(Bank holidays for 13/14, N.B. Bank Holidays per year may vary)

### **Carry-over of Leave**

At the end of the leave year (31 March) up to five days annual leave can be carried over, subject to line manager approval. This must be taken before the end of March of the following year. This includes requests for leave not taken due to sickness.

## **Annual Leave and Sickness Absence**

If an employee has pre-booked annual leave prior to the sickness absence they can take the annual leave provided they can demonstrate they are fit to return to work on the first day of the pre-booked annual leave. The normal medical certification arrangements will apply.

If an employee becomes unwell during a period of annual leave they should call his/her line manager on the first day of sickness. To reclaim annual leave due to sickness an employee must provide a fit for work certificate regardless of the number of days. This applies whether the leave has been taken at home or abroad.

## **Bank Holidays**

There are eight bank holidays each year as follows:

Good Friday	Summer Bank Holiday
Easter Monday	Christmas Day
May Bank Holiday	Boxing Day
Spring Bank Holiday	New Year's Day

## **SPECIAL LEAVE**

The Council acknowledges that staff may on occasions require Special Leave from work to deal with personal or other important matters. All requests will be considered on their merit and where appropriate the Council will respond reasonably to accommodate such requests taking into account service needs.

Special Leave may be agreed with or without pay and will not exceed 10 days other than in very exceptional circumstances within any 12-month period.

## **Special Leave for Compassionate Reasons**

Special leave for compassionate reasons includes, but is not limited to:

- the death, serious injury or illness of a dependent or partner/spouse, child, parent, brother or sister;
- attending funeral or memorial service for other family members or for a close friend;
- dealing with a domestic emergency, for example where the home was damaged by fire, flood or burglary;
- caring for a dependent who becomes ill and cannot be reasonably left alone;
- Facilitating fostering or adoption arrangements.

### **Special Leave for Medical Reasons**

Special leave for medical reasons includes, but is not limited to:

- undertaking a course of medical treatment as recommended by a GP or other medical specialist.

### **Special Leave for Educational and Employment Reasons**

Special leave for educational and employment reasons includes, but is not limited to:

- attending training courses or post-entry training;
- studying (half a day per examination paper) and sitting exams (where special limits apply) for approved courses;
- attending an interview in connection with a job application elsewhere in local government service (only where the employee has worked for the Council for more than 12 months). This provision is limited to one application per year;
- jury service – the actual days required to sit as a juror.
- service in non-regular armed forces - up to 10 working days leave per annum;
- Justices of the Peace – up to 10 working days leave per annum;
- time off for public bodies/civic duties meetings up to 208 hours per annum;
- school governors – 1 day per term.

One working days leave is allowed for employees moving house, where the move relates to their employment with the Council.

### **Special Unpaid Leave**

Discretionary unpaid leave may also be agreed to allow employees periods of extended leave, for example to return to their homelands. Advice should be sought from Human Resources and extended leave will require the approval of the relevant Operational Director and will not in any circumstances exceed twelve months unpaid leave.

### **MATERNITY LEAVE**

Council employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave.

Maternity leave will begin no earlier than 11 weeks before the expected week of childbirth (EWC), or from the day following childbirth if that is earlier.

Payments for employees who have less than one year's continuous local government service at the beginning of the 11<sup>th</sup> week before EWC shall be the employee's

entitlement to Statutory Maternity Pay (SMP) where eligible. Employees who have completed not less than one year's continuous service will receive enhanced maternity payments.

Ordinary maternity leave and additional maternity leave will be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave

### **Statutory Maternity Pay (SMP)**

Employees meeting the criteria below will receive SMP, paid by the Council. Employees who do not meet these criteria may be eligible to claim Maternity Allowance, which is a state benefit and not paid through the Council payroll.

An employee who:

- has at least 26 weeks continuous service with the Council continuing into the 15<sup>th</sup> week before the expected week of childbirth. The 15<sup>th</sup> week is known as the qualifying week;
- has average earnings above the NI lower earnings limit, during the eight weeks (two months) up to and including the qualifying week;
- is still pregnant in the 11<sup>th</sup> week before the week her baby is due or who has given birth by this time;
- gives **28 days' notice** (to the line manager) of the expected date for the start of SMP. If this is not reasonably practicable, the notice must be given as soon as reasonably practicable. The notice must be in writing if the line manager requests it;
- gives the Council medical evidence (usually a **Form MAT B1**) showing the expected week of childbirth. This medical evidence must be given to the Council by the end of the third week of the maternity pay period, although the time limit can be extended if there is good reason for the delay to the end of the thirteenth week of the maternity pay period. The Council cannot start paying SMP until it has the certificate and the employee has stopped working.

All employees who satisfy these conditions qualify for SMP, even if they do not intend to return to work after the baby is born. The only exception is an employee who resigns voluntarily from her job for a reason unconnected with her pregnancy after the start of the qualifying week, but before maternity leave starts.

### **Payment of SMP**

SMP cannot start earlier than the 11<sup>th</sup> week before the expected week of childbirth, unless the baby is born before the 11<sup>th</sup> week, but a woman has some flexibility as to exactly when it does start.

A woman will not lose any week of SMP even if she works up to the date her baby is born, provided her SMP period has not started. The latest date the maternity pay period can start is the week immediately following the week in which she gave birth.

A woman who is absent due to a pregnancy related reason (or childbirth) from the fourth week before the expected week of childbirth will be transferred into her SMP period and will not be able to get SSP. Her SMP period will start on the day after the first day of that absence.

Premature births – if a woman's baby is born before she has notified the Council of when she is starting her maternity pay period, or before the notified date, her 26 week maternity pay period will begin the day following the date the childbirth actually occurred.

Stillbirths – SMP is paid to a woman who gives birth to a stillborn child after 24 weeks of pregnancy (i.e. from week 16 before the expected week of childbirth).

Babies who die shortly after birth – if a woman's baby survives only for an instant it is always treated as a live birth, and SMP is payable.

Miscarriages – if a woman suffers a miscarriage before the 24<sup>th</sup> week of pregnancy, SMP is not payable. A woman in this situation should receive any relevant sick pay entitlement.

No SSP can be paid to a woman during her maternity pay period, even if she is not in receipt of SMP. Where occupational sick pay is payable she should receive this in the ordinary way. SMP can be offset against occupational sick pay.

### **Maternity Pay for Employees with Not Less than One Years Service**

#### **Employees Who Intend to Return to Work**

Maternity pay is payable to an employee who has confirmed that she intends to return to work after the birth of her child provided that:

- She has completed the maternity leave form confirming her return.

Under these circumstances, she is entitled to:

- For the first **six weeks of absence**: full contractual pay or 9/10 of the average weekly earnings in the eight weeks preceding the end of the 15<sup>th</sup> week before the week the baby is due, whichever is greater. This is inclusive of statutory maternity pay (SMP) where eligible;
- For the next **12 weeks of absence**: half contractual pay plus SMP where eligible, except where combined pay and SMP (exceeds full pay)

In the event that the employee does not return to work for a period of three months (as varied if applicable) she shall refund the 12 weeks' half pay, or such part thereof, as the Council which made the payment may in its discretion decide. Payments made to the employee by way of SMP are not refundable.

#### **Employees who do not intend to return to work**

An employee who confirms that she does not intend to return to work as defined above, or who is undecided, is entitled to:

- Six weeks' full contractual pay inclusive of SMP where eligible;
- 33 weeks' SMP at the lower rate where eligible;

If the employee decides to return to work the following criteria must be met to receive the enhanced maternity payments:

- Return to work must be immediately after the end of the maternity leave;
- Return for a period must be for a period of at least 13 weeks.

At the end of qualifying period payment of the difference between the maternity pay she has already received and the maternity pay as outlined above for employees who confirmed their intention to return to work will be made.

### **Annual Leave**

Annual leave will accrue during the whole period of maternity leave and should be taken within the leave year. Annual leave up to 5 days may be carried forward to the next year in accordance with the Council's Annual Leave Policy.

In exceptional circumstances, following prior agreement from the Head of Service, additional leave may be carried forward.

### **Health and Wellbeing**

#### **Ante-natal care**

Employees are entitled to be given paid time off to attend ante-natal care (provided in respect of the second and subsequent appointments she produces evidence of the appointment, if requested to do so).

#### **Health and Safety**

Consideration must be given to any health and safety implications for pregnant or breast feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4 of the NJC conditions of service.

The Council will provide suitable facilities for pregnant women and nursing mothers to rest and will carry out suitable and sufficient risk assessments of the health and safety at work of new and expectant mothers and their babies, and women of childbearing age where the work may involve risk to the woman or to the baby.

If the risk cannot be avoided, the Council will alter the employee's working conditions or hours of work if it is reasonable to do so and if such measures would avoid the risk.

A pregnant employee has the right to:

- request alternative work for the duration of her pregnancy where the working conditions are, or become, hazardous to her health. In such cases, she will be expected to return to her normal duties at the completion of the pregnancy and/or her return from maternity leave;

- immediate transfer (to equivalent alternative work), or to paid leave, if her work puts her in unavoidable contact with a reportable disease(s).

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's maternity leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SMP.

### **Pension**

During any period of paid maternity leave or additional paid maternity leave (including any period during which only SMP is payable) a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid additional maternity leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Right to Return to Work**

Employees are entitled to return to their job with the Council at the end of maternity leave. Where redundancy makes it impractical for the Council to allow her to return to her job, the employee is entitled to be offered a suitable alternative vacancy where one exists.

An employee loses her right to return if and when her contract of employment with the Council ends. An employee who has indicated she does not intend to work at the end of her maternity leave is still entitled to return to her original job in the absence of her giving clear notice of resignation.

### **Exercising the Right to Return to Work**

An employee must notify the Council in writing, if requested, at least 21 days before the day on which she proposes to return, if this is before the end of the maternity leave period. Where the notice given is less than 21 days, the Council may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

**If an employee changes her mind about the day she proposes to return**, she must give her line manager 21 days' notice of the new date, if this is **earlier** than the original date she notified. If she now proposes to return **later** than the original date, she must give notice of the new return date 21 days before the original return date.

Where an employee does not return to work at the end of her maternity leave period, she will be treated like any other employee who does not return after authorised leave.

If, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect the employee to return on the due date, she may return when work resumes, or as soon as reasonably practicable thereafter.

The employee will be able to apply using the statutory right to apply for flexible working.

### **Sickness Leave**

Maternity leave will not be treated as sick leave and will not be taken into account when calculating the period of entitlement to sickness leave.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **Role and Responsibilities**

#### **Employees**

An employee must notify her line manager at least 28 days before her absence begins or as soon as is reasonably practicable:

- that she is pregnant;
- of the expected week of childbirth;
- of the date of the beginning of her absence.

The employee has the right to change her mind about when her maternity leave starts, provided she gives notice at least 28 days before the date originally notified or before the new start date, whichever is the earlier. Where this is not reasonably practicable, notice of the start date must be given as soon as possible.

**If childbirth occurs before the planned date of absence**, maternity leave will begin on the day after the date of the birth. The employee must notify her line manager in writing of the date of childbirth and produce a certificate from a registered medical practitioner or a registered midwife.

The employee must remain absent from work if certified medically unfit to do so and produce evidence of ante-natal appointments, if requested.

The Council's recognised trade unions have agreed that, wherever possible, employees should give more notice than set out in the NJC conditions of service in



order to help the Council arrange temporary cover for maternity leave, and to give adequate notice to temporary staff.

### **Line Managers**

Line managers are responsible for informing pregnant women of their maternity rights. Within 28 days of receipt of initial notification, line managers must write to the employee informing her of the last day of maternity leave and the expected date of return.

Line managers must, on the production of evidence of appointments, allow employees reasonable paid off-time to attend ante-natal clinics, and to take maternity leave and the pay to which she is entitled.

If an employee intends to return to work earlier than the due date, and fails to give 21 days' written notice of early return, the line manager may postpone the return date to ensure the 21 days' notice. This postponement may not be extended beyond the due date.

Where a line manager has received notice of the start date of maternity leave, they must write to the employee within 28 days of receiving the notice stating her expected date of return from maternity leave if she takes her full entitlement to maternity leave. Where the employee has exercised her right to change her mind about when she wants to start her leave, the line manager must write to the employee within 28 days of the start of the maternity leave.

The line manager must inform their HR Manager of the expected maternity start date in order for payroll to update their system.

### **ADOPTION LEAVE**

Council employees are entitled to 26 weeks' ordinary adoption leave followed by 26 weeks' additional adoption leave, giving a total of 52 weeks' continuous leave.

The leave period may commence up to 14 days before the expected date of placement; on the placement date; or one day later if working on the placement date.

Adoption leave requests should be submitted to the line manager within seven days of notification of the match from the agency, or as soon as practical afterwards. Any changes in the starting date for the leave or statutory adoption pay should be notified as soon as possible and at least 28 days in advance where practical.

### **Statutory Adoption Pay (SAP)**

During adoption leave employees will be entitled to statutory adoption pay, which will be paid for up to 39 weeks providing:

- they have average weekly earnings not less than the lower earnings limit for national insurance purposes;
- have been continuously employed for a minimum of 26 weeks ending with the week in which notification of the adoptive match occurs.
- provide evidence of the adoption

For these purposes average weekly earnings are calculated over the eight week period ending with the week in which the employee is notified of having been matched with the child for adoption.

Adoption pay commences on the day adoption leave begins and continues for 39 weeks, unless an employee returns to work sooner.

Statutory adoption pay is paid as normal salary with NI, tax and pension deducted. All other terms and conditions remain the same.

Employees who have average weekly earnings **below** the lower earnings limit for national insurance contributions and do not qualify for statutory adoption pay. Additional support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. For further advice employees should contact their Social Security office or Jobcentre Plus office.

### **Annual Leave**

Annual leave will accrue during the whole period of adoption leave and should be taken within the leave year. Annual leave up to 5 days maybe carried forward to the next year in accordance with the Council's Annual Leave Policy.

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work from adoption leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's adoption leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SAP.

### **Pension**

During any period of paid adoption leave (SAP) an employee who is a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid adoption leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Returning to Work**

If an employee does not specify when they intend to return to work, the Council will assume they are taking 52 weeks' leave. An employee is required to give six weeks notice if they wish to change the date of their return to work.

An employee has the right, where possible, to return to the same job providing it is practical to do so. If not, an employee will be offered suitable alternative employment and will be consulted in line with Council policy and procedure. Reasons why an employee may not be able to return to their original job would include reorganisation for business reasons leading to redundancy.

An employee loses the right to return if and when the contract of employment with the Council ends. An employee who has indicated they do not intend to work at the end of adoption leave is still entitled to return to their original job in the absence of giving clear notice of resignation.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **PATERNITY LEAVE**

To be entitled to statutory paternity leave and pay an employee must have, or expect to have, responsibility for the child's upbringing. They must also have average weekly earnings of at least the lower earnings limit for National Insurance purposes and have been continuously employed for a minimum of 26 weeks either:

- by the end of the fifteenth week before the child's expected week of birth, or
- by the end of the week in which the child's adopter is notified of having been matched with the child for adoption.

In order to be entitled to Statutory Paternity Pay, the employee should be one or more of the following:

- Father of the child
- Spouse
- Civil partner
- Partner of the child's mother/partner of child's adopter
- One of a couple jointly adopting a child.

Leave should be taken to support the mother/adopter and/or child during the first 56 days following the birth/placement.

Employees should give 6 weeks' notice of their intention to take paternity leave and should include the:

- date the baby is expected
- date the leave will commence, and
- indicate if it is the intention to take the leave as consecutive weeks.

## **Ordinary Paternity Leave and Pay**

Employees are entitled to three weeks paternity leave (which is on full pay inclusive of Statutory Paternity Pay) and leave should generally be taken in one week blocks and can be consecutive.

## **Additional Paternity Leave and Statutory Paternity Pay**

Eligible employees may take up to 26 weeks' Additional Paternity Leave within the first year of their child's life, provided that the mother has returned to work before using her full entitlement to maternity leave. Additional Paternity Leave is also available to adoptive parents within the first year after the child's placement for adoption, providing the child's main adopter who elected to take adoption leave has returned to work before using his/her entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born and must end no later than 12 months after the birth of the child. Additional paternity leave must be taken in multiples of complete weeks and last between 2 weeks and 26 weeks.

Those who qualify for Additional Paternity Leave, will receive any entitlement based on the date the mother's return to work date. When the statutory pay has been exhausted the rest of the pay period will be unpaid.

Any statutory paternity pay due during additional paternity leave will be paid at a standard rate or at a rate equivalent to 90% of the employee's average weekly earnings if this less than the standard rate. Statutory paternity pay is payable whether or not the employee intends to return to work after his/her additional paternity leave.

To be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, must have been matched with the child for adoption. In both cases, the leave must be to care for the child.
- have a minimum of 26 weeks' service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- remain in continuous employment until the week before the first week of additional paternity leave.
- the mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay.
- the mother or primary adopter must have returned to work.

- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives proper notification in accordance with the policy.

### **Annual Leave**

Annual leave will accrue during the whole period of paternity leave and should be taken within the leave year. Annual leave up to 5 days maybe carried forward to the next year in accordance with the Council's Annual Leave Policy.

### **Keeping in Touch (KIT) Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work from Adoption Leave. Before going on leave, line managers should discuss and agree with the employee any voluntary arrangements for keeping in touch during the employee's Adoption Leave. Up to ten days may be agreed for which payment will be made for the actual hours worked. Payment will not affect SAP.

### **Pension**

During any period of paid adoption leave a member of the Local Government Pension Scheme (LGPS) must pay pension contributions on the pay actually received. The period of service will count as normal for pension purposes i.e. as if the employee had been at work.

Equally during any period of unpaid Additional Adoption Leave the unpaid period will not count for pension purposes unless the employee makes an election for it to count. Such an election will have to be made within the period of 30 days starting with the date the employee returns to work or ceases to be employed (if earlier). If the election is made the employee will have to pay pension contributions for the unpaid period based on the pay he/she was entitled to receive on the day before the unpaid period began.

### **Returning to Work**

Employees are entitled to return to their job with the Council at the end of Additional Paternity Leave. Where redundancy makes it impractical for the Council to allow the employee to return to the same job the employee is entitled to be offered a suitable alternative vacancy where one exists.

An employee loses the right to return if and when the contract of employment with the Council ends. An employee who has indicated they do not intend to work at the end of paternity leave is still entitled to return to their original job in the absence of giving clear notice of resignation.

An employee must notify the Council in writing the end date of his/her additional paternity leave. The employee is expected to return on the next working day after this date, unless he/she notifies the Council otherwise.

If the employee wishes to return to work earlier than the expected return date, he/she must give the Council at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the Council may postpone his/her return

to such a date as will give the Council six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

### **A week's pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **PARENTAL LEAVE**

Eligible employees can take unpaid parental leave to look after their child's welfare, for example:

- to spend more time with their children
- to look at new schools
- to settle children into new childcare arrangements
- to spend more time with family.

Employment rights will remain protected.

For child/dependent illness, see **Special Leave** entitlement (above).

### **Eligibility Criteria**

Employees qualify for parental leave if all below apply:

- they have been employed for more than a year
- they are named on child's birth certificate
- they have, or expect to have, **parental responsibility\*** (see below for definition of parental responsibility)
- not self-employed or a 'worker' (e.g. contractor/agency worker)
- they are not a foster parent (unless with court secured PR)
- child is below 5 years old, or 18 in special circumstances (see **Entitlement**).

The Council has the discretion to ask for proof of child's where it considers it reasonable to do so and may extend parental leave to employees who do not qualify.

### **Entitlement**

Parental leave is unpaid. The child must be under 5 years old, unless special circumstances apply.

<b>Child</b>	<b>Entitlement</b>
For each child	18 weeks up to their 5 <sup>th</sup> birthday
For each adopted child	18 weeks up to their 18 <sup>th</sup> birthday, or 5 <sup>th</sup> anniversary of their adoption, which comes first
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18 <sup>th</sup> birthday

18 weeks is the total allowance over the prescribed period. The maximum parental leave entitlement each year is 4 weeks, unless agreed otherwise with the Council.

Leave should be taken in **blocks of one week**, unless agreed otherwise with the Council. One week is equivalent to the hours normally worked each week by the employee. Therefore, if an employee normally works three days per week, then their parental leave entitlement is the equivalent.

Leave is applicable to each child, not the parent's job. If, for example, an employee uses 10 weeks of the parental leave entitlement with a previous employer, they would be entitled to 8 weeks parental leave with the Council.

#### **Notice to Request Parental Leave**

Employees must give 21 days notice prior to the date they wish the parental leave to start.

If they or their partner are having a baby or adopting, then the employee must provide 21 days notice before the expected arrival of the baby/child.

Employees must confirm start and end dates in their notice. Parental leave requests should be in writing to the employee's line manager.

### **\*Parental Responsibility Definition**


#### **Who has Parental Responsibility (PR)**

- the mother of the child automatically has PR;
- the father usually has PR, especially if married to the child's mother, or listed on the birth certificate;
- unmarried parents;
- fathers can get legal responsibility by:
  - jointly registering the child's birth with child's mother (since December 2003)
  - getting PR agreement with mother
  - getting PR order in court;
- same sex parents
  - civil partners - same-sex partners who were civil partners at the time of the treatment will both have PR.
  - non-civil partners - the 2<sup>nd</sup> parent can get PR by:
    - applying if parental agreement made
    - becoming a civil partner of the other partner and making PR agreement, or jointly registering birth.

#### **Additional Information**

For further information on all time off arrangements in the policy please contact Human Resources.



	<b>General Purposes Committee 7 November 2013</b>  <b>Report from the interim Chief Executive</b>
Wards affected: ALL	
<b>Restructuring of the senior management of the Council</b>	

## 1.0 Summary

This report recommends some changes to the senior management structure agreed in March 2013. Difficulties which emerged through the recruitment and selection process for two of the Strategic Directors have triggered a recent review. This review has also taken account of the increasing complexity and possible costs of the changes envisaged for adults' social care. Charts outlining the current structure and the proposed structure are presented as Appendices 1 and 2.

## 2.0 Recommendation

The General Purposes Committee is asked to agree to the revised structure as follows:

- a) deletion of the posts of Strategic Director, Governance and Corporate Services and Strategic Director, Education, Health and Social Care;
- b) deletion of the post of Operational Director, Adult Social Care
- c) establishment of the new post of Strategic Director, Adults
- d) establishment of new post of Strategic Director, Children and Young People
- e) reporting line changes as outlined on 3.6 and 3.7 below.

## 3.0 Background

- 3.1 In March 2013, the General Purposes Committee agreed a new senior management structure which would generate savings at Director and Assistant Director level of approximately £900,000. These changes refocused the senior management structure by creating four Strategic Director posts and a range of Operational Director posts and also by reshaping the corporate centre.

- 3.2 A major recruitment process, involving members, was then undertaken in order to fill vacant posts within the senior management structure. In the main, this has been successful and has resulted in the following appointments:
- Assistant Chief Executive – Ben Spinks (commencing in late October, 2013)
  - Chief Finance Officer - Conrad Hall (commenced mid October, 2013)
  - Operational Directors, Finance – Mick Bowden and Eamonn McCarroll (internal appointments, commenced July, 2013 )
  - Operational Director, HR – Cara Davani (commenced July, 2013)
  - Operational Director, Planning & Regeneration – Aktar Choudhury (internal appointment, commenced July, 2013)
  - Operational Director, Housing & Employment – Jon Lloyd Owen (commenced October, 2013)
  - Director of Public Health – Melanie Smith (commenced July, 2013)
- 3.3 Apart from the Director of Public Health, each of the external candidates listed in 3.2 above, was sourced following an external recruitment campaign led by Gatenby and Sanderson who are a leading provider of executive recruitment services. Solace Enterprises won the contract to appoint to the Director of Public Health post. In order to recruit to as many posts as possible before the end of July, 2013, Gatenby and Sanderson agreed to cut four weeks from their usual recruitment timetable.
- 3.4 Gatenby Sanderson was also engaged to recruit to the vacant posts of Strategic Director, Governance and Corporate Services and Strategic Director, Education, Health and Social Care. There was a low response rate for the post of Strategic Director, Education, Health and Social Care and, following interviews by Gatenby and Sanderson, which included a technical adviser, it was decided there were insufficient high calibre candidates to produce a shortlist. Although the post of Strategic Director, Governance and Corporate Services, had attracted much higher numbers, following long-list interviews and testing, it was decided the field was of insufficient quality to produce an appropriate shortlist.
- 3.5 It was agreed that during August and September, Gatenby Sanderson would continue in their search for suitable candidates for the post of Strategic Director, Education, Health and Social Care. However, this has not proved successful. Many candidates considered the role too large and though a couple of experienced candidates were interested, we could not match their expectations in terms of salary. Director posts involving children's social care are perceived as high risk in local government and remain the most difficult job to fill. As Ofsted's recent Annual Report on social care indicates, there is considerable volatility in leadership and 'one in three local authorities has had a change in their director of children's services last year alone'. (Ofsted, 2013)
- 3.6 The Council is committed to recruiting the highest calibre of candidates to all its posts but in particular at senior management level. As a result, a further review has been undertaken to address these recruitment challenges. This

has also taken account of the need to have a Strategic Director post to act as the Council's lead officer on adults' social care. This stems from the complex changes emerging from legislation and from the partnership demands stemming from the developing relationship with health.

#### **4. Proposals**

- 4.1 It is recommended that the two posts of Strategic Director, Education, Health and Social Care and Strategic Director, Governance and Corporate Services, be deleted and that they be replaced by two new posts:

Strategic Director, Children and Young People  
Strategic Director, Adults

- 4.2 The post of Strategic Director, Children and Young People will be established with management responsibility for the Operational Director, Early Help and Education and Operational Director, Children's Social Care. This post will also carry more general strategic responsibility as a champion for children and young people across all council services.
- 4.3 The post of Strategic Director, Adults, will be established with management responsibility for adult social care. This post will also carry more general strategic responsibility for adults across all council services. The post of Operational Director, Adult Social Care, will be deleted. Although this Strategic Director will lead and manage a department more discrete than the other three, the role and costs of adult social care, and our relationship with health, are central to the development of the Council and will have huge ramifications over the next few years.
- 4.4 The Director of Public Health will move to the Assistant Chief Executive's area which should prove a strong support in developing a stronger corporate and more holistic focus for public health across the council. She will report to the Assistant Chief Executive though will have direct accountability to the Chief Executive for the exercise of the local authority's public health responsibilities.
- 4.5 Although two separate Director posts are being established, the expectation is that their work will be supported by back offices operating as one department.
- 4.6 Subject to agreement to these changes, it is proposed that recruitment to the post of Strategic Director, Adults and the post of Strategic Director, Children and Young People starts with immediate effect with a view to making permanent appointments as soon as possible.
- 4.7 To maintain the number of Strategic Directors at the four agreed in March, 2013, it is recommended that the post of Strategic Director, Governance and Corporate Services, be deleted. Part of the resources for this post will fund the gap in cost between the Operational Director, Adult Social Care and the Strategic Director, Adults. However, given the scale of the Council's transformation agenda and the savings which must be found in the next few

years, it is proposed that the remaining resource should be used for secondments from central government, and possibly elsewhere, to support change by working temporarily on various projects and initiatives.

- 4.8 As a consequence of the deletion of this post, the Operational Director, ICT will report to the Chief Finance Officer; and the Borough Solicitor, to be known as the Director of Legal and Procurement who also retains the statutory Monitoring Officer role, and Operational Director, HR will both report directly to the interim Chief Executive.

## **5 Implementation**

- 5.1 It is recommended that the new structure becomes live, in line with business requirements, no later than March, 2014. Where vacant posts need to be filled, existing acting up arrangements for Children's and Families and Adult Social Care will remain in place until permanent appointments have been made to posts in the new structure.
- 5.2 There is not a requirement to undertake consultation as the significant changes only impact on vacant posts, otherwise changes are only minor and in respect of reporting lines.

## **6 Financial Implications**

- 6.1 The changes outlined in this report will result in a reduction in Brent's permanent staffing establishment of one post overall with a net saving of approximately £130k. The proposal to use some of this money to fund secondments over the next few years to help accelerate change gives the Council more flexibility.
- 6.2 There are no redundancy costs associated with these changes.

## **7 Legal Implications**

- 7.1 The proposed structure ensures compliance with various legislative requirements in respect of statutory posts that the Council is required to maintain. Beyond this, the Council has a wide discretion to create a senior management structure to reflect the current needs of the organisation. The role of monitoring officer will be undertaken by the Borough Solicitor who will be known as the Director, Legal and Procurement.
- 7.2 Given the nature and extent of the proposed restructuring none of the legislation governing change management exercises is engaged and so the changes can be made by decision of this Committee and as described in the report. Similarly, there is no requirement for the Council's Managing Change Policy to be initiated.

- 7.3 The Council is required by various legislations to ensure that certain named posts are always maintained in its staffing structure. These posts are more commonly known as ‘statutory posts.’ The proposed structure is entirely compliant with the Council’s duties in this respect.

## **8 Diversity Implications**

- 8.1 A full and retrospective Equality Assessment was undertaken following approval of the new senior management structure. The additional changes proposed in this report do not adversely impact on any categories of the workforce as deleted posts are vacant.

## **9 Staffing/Accommodation Implications**

- 9.1 Staffing implications are outlined in the body of the report. Subject to the approval of General Purposes Committee to the proposed changes to the senior management structure, trade unions will be consulted after the meeting.

### **Background Papers**

Restructuring the senior management of the Council, GP Report 28 March 2013  
Ofsted, Social Care Annual Report, 2012/13

### **Appendices**

Appendix 1 – current structure chart  
Appendix 2 – proposed structure chart

### **Contact Officers**

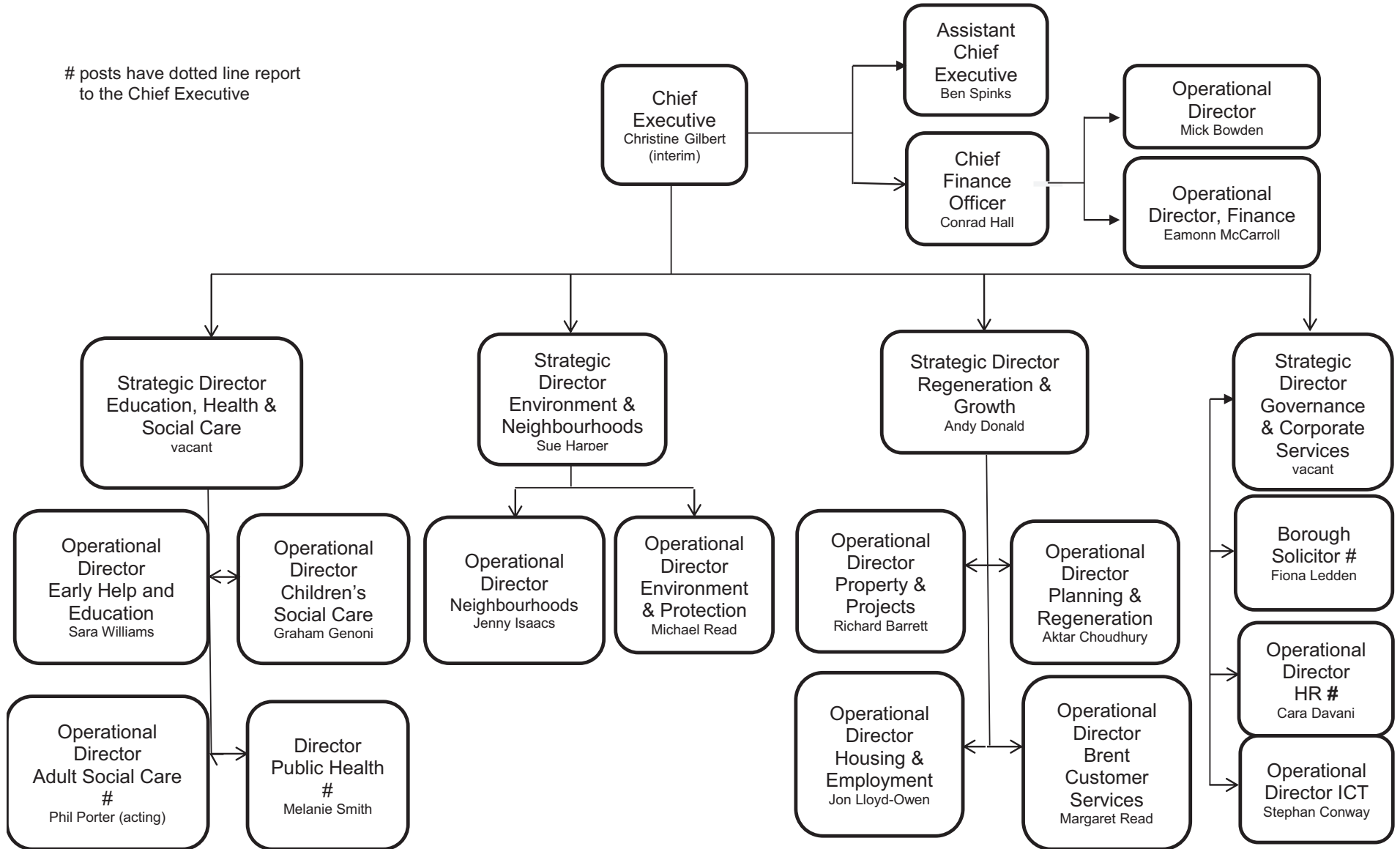
Christine Gilbert  
Interim Chief Executive

Cara Davani, Operational Director, HR

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# Senior management structure (current)

# posts have dotted line report to the Chief Executive

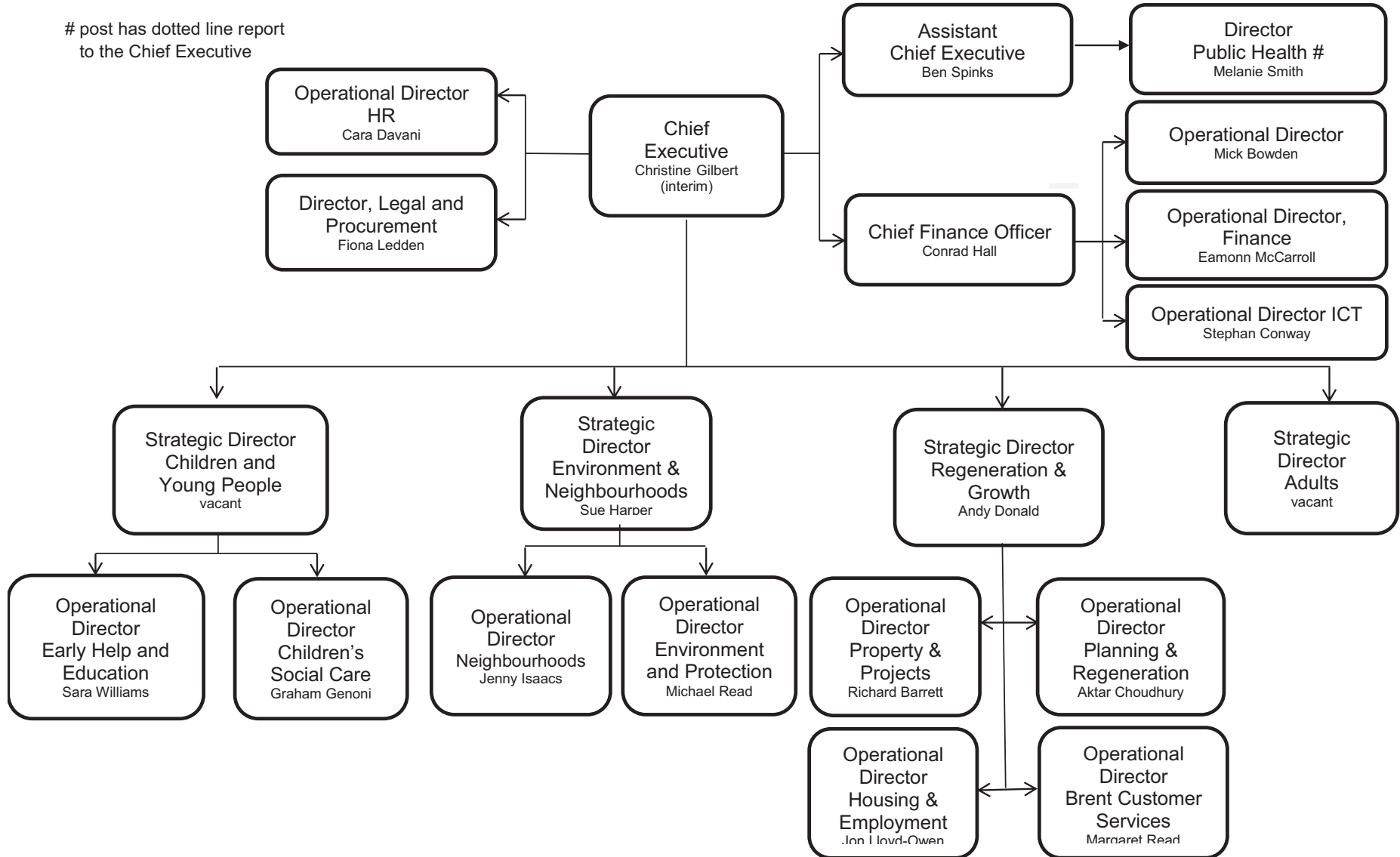


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# Senior management structure (proposed)

# post has dotted line report to the Chief Executive



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