



<b>Agenda Item No:</b>	<b>13</b>
<b>Report To:</b>	Cabinet / Council
<b>Date of Meeting:</b>	24 February 2022 / 03 March 2022
<b>Report Title:</b>	New Senior Structure
<b>Report Author &amp; Job Title:</b>	Tracey Kerly – Chief Executive
<b>Portfolio Holder</b>	Cllr G Clarkson
<b>Portfolio Holder for:</b>	Executive Leader of the Council
<b>Summary:</b>	The Executive Leader and Chief Executive propose a revised senior management structure with sufficient strategic capacity to deliver the Council's ambitious Corporate Plan successfully.
<b>Key Decision:</b>	<b>NO</b>
<b>Significantly Affected Wards:</b>	<b>None specifically</b>
<b>Recommendations:</b>	<b>The Cabinet is recommended to:-</b> <ul style="list-style-type: none"><li><b>i. Review the proposed new senior structure and recommend to Council that it be adopted.</b></li><li><b>ii. Note the costs associated with the early release of pension (set out in the exempt appendix), in the event a redundancy results, and to seek approval by Council.</b></li><li><b>iii. Note the potential redundancy costs set out in the exempt appendix.</b></li><li><b>iv. Approve the recommendation to cap the cost of living increases to pay scales MG1, MG2, MG3 and MG4 at 1.5% for 2022/23.</b></li></ul>
<b>Policy Overview:</b>	<b>Managing Restructure, Redundancy and Organisational Change policy</b>
<b>Financial Implications:</b>	<b>The report details the costs of the revised structures and includes details of the potential redundancy costs that will be funded from the Fund Future Expenditure Reserve.</b>
<b>Legal Implications</b>	<b>See Report</b>

**Equalities Impact See Attached  
Assessment**

**Other Material None  
Implications:**

**Background Papers: N/A**

**Exempt from YES (Exempt Appendix)  
Publication:**

**Not For Publication by virtue of Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972.] as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

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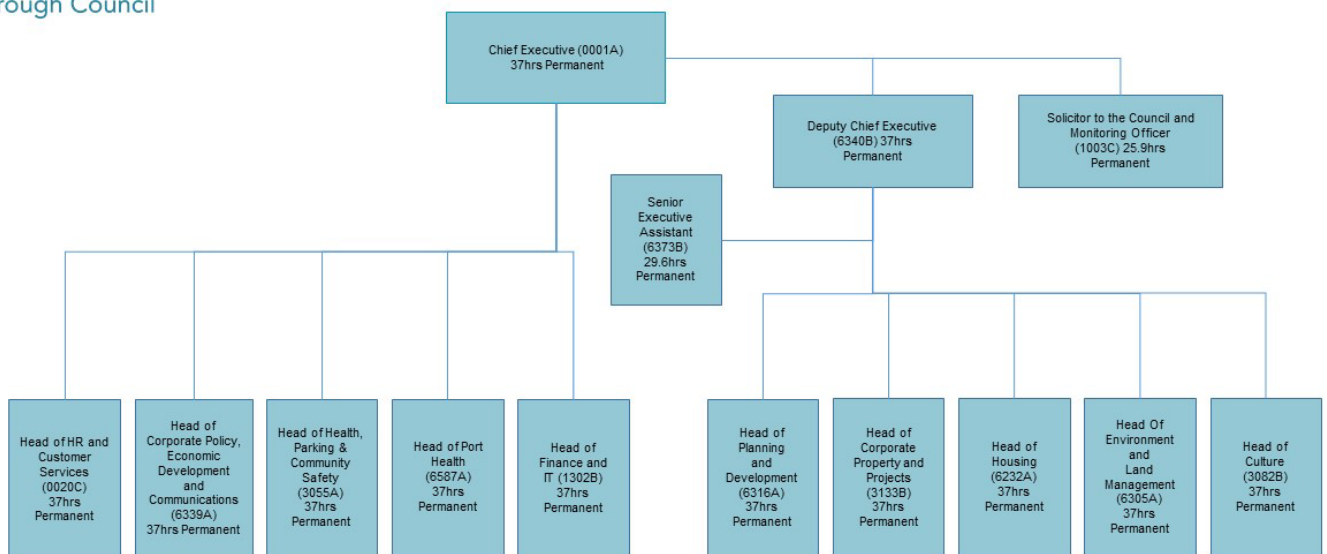
Report Title: Senior Structure

**Introduction and Background**

- 1 The Executive Leader and the Chief Executive are proposing to make some changes to the Senior Leadership team of the Council. This will impact across the current Heads of Services, Deputy Chief Executive, Directors and some Senior Managers.

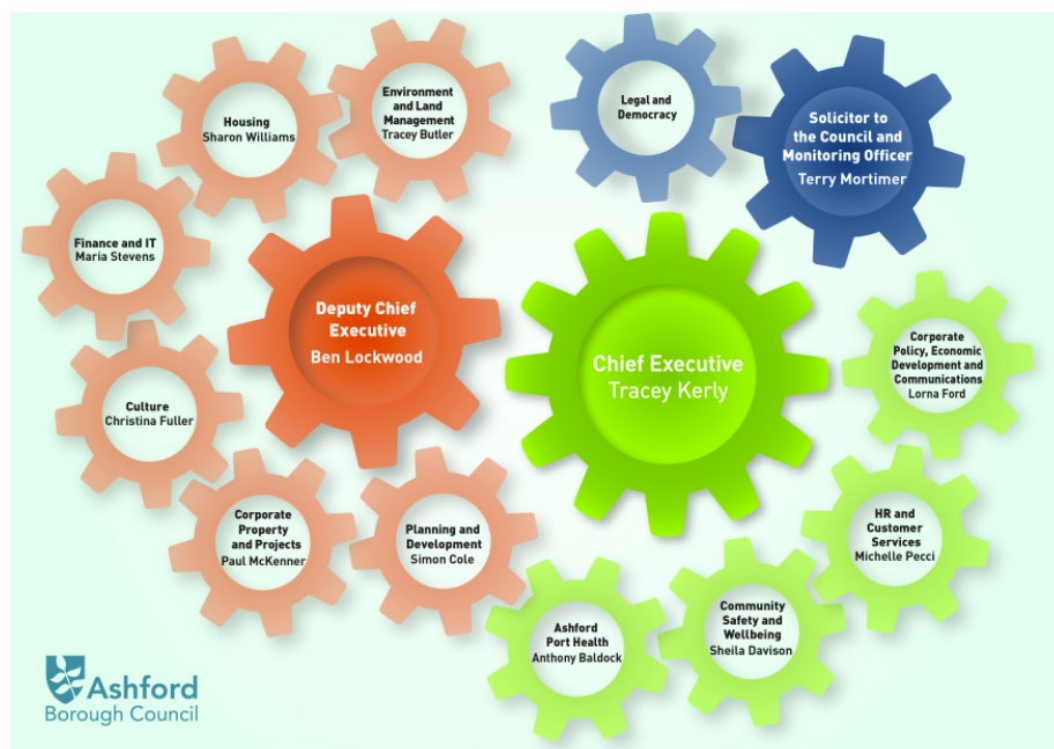


**Management Team**



- 2 The Council has been through several changes over the past few years at a Senior level, responding to particular needs stimulated by financial pressures, savings requirements, changes to Senior Directors and specialist roles which has led to the current structure.
- 3 Over the past 18 months covid has led to some significant transformational change in the organisation and some real focus across the Council services to manage the response to the pandemic, deliver front line services and moving into support for the early recovery from covid. The unknown financial implications of covid meant the organisation has been driven by the changing agendas and the pressures on staff to deliver the covid response and retaining stability in Council delivery. The current structure leans itself to that responsive and integrated approach.
- 4 Alongside the covid response the Council has also ensured that the business continuity planning of the Council could cope with the additional pressures of Brexit and also responding to the significant Government requirements for Sevington to become an inland Border Control Post run by Ashford Borough Council.

## The Cog Structure



- 5 While the organisation has changed its Leadership Structure over recent years, the stability of the management structure relies on the importance of the Cog diagram that demonstrates that the importance of any structure is the integration of the whole and how it relates with each other. Therefore, while change has happened, working with each service demonstrates the interdependence on each other and that no service can work in a silo. The organisation has continued to efficiently deliver services, increase digital transformation, change to a commercially lead culture, and work on projects that are within the current resources of the structure within its current capacity.

### Integration

- 6 During the height of the pandemic the whole Leadership Team met daily due to the sensitivities and changing nature of the response. As recovery kicked-in there were weekly recovery meetings that have moved to corporate plan formulation and action planning. Generally, there are management meetings weekly of all the team, there are Statutory Officers meetings bi-weekly, and team meetings across the Leadership Teams at least monthly. There is also a focus on 1 to 1 meetings monthly to ensure individual services are performing and direct issues can be resolved quickly.

- 7 More recently there are quarterly performance meetings, and the monthly Programme Management Group ensures that project delivery is monitored and has sufficient resources and budget for delivery
- 8 The Corporate Business Meeting allows the Leadership team including all the portfolio holders to bring forward new projects, new ways of delivery and share joint thinking and challenge to everything we do as a Council. That joint working allows the political direction against the corporate plan, government directives, changes in legislation, new funding opportunities, creative thinking and ambitious projects to be shared at an early stage and a way forward where there is sufficient support to bring to fruition.
- 9 Any structure will need to be flexible to change and to be able to deliver the inevitable changing agendas of a post covid world especially where society has changed, communities have evolved, and Councils have been in the front line. The cogs and interrelationships of services remain but the structure needs change to reflect the priorities and the changing agendas.

### **The structure**

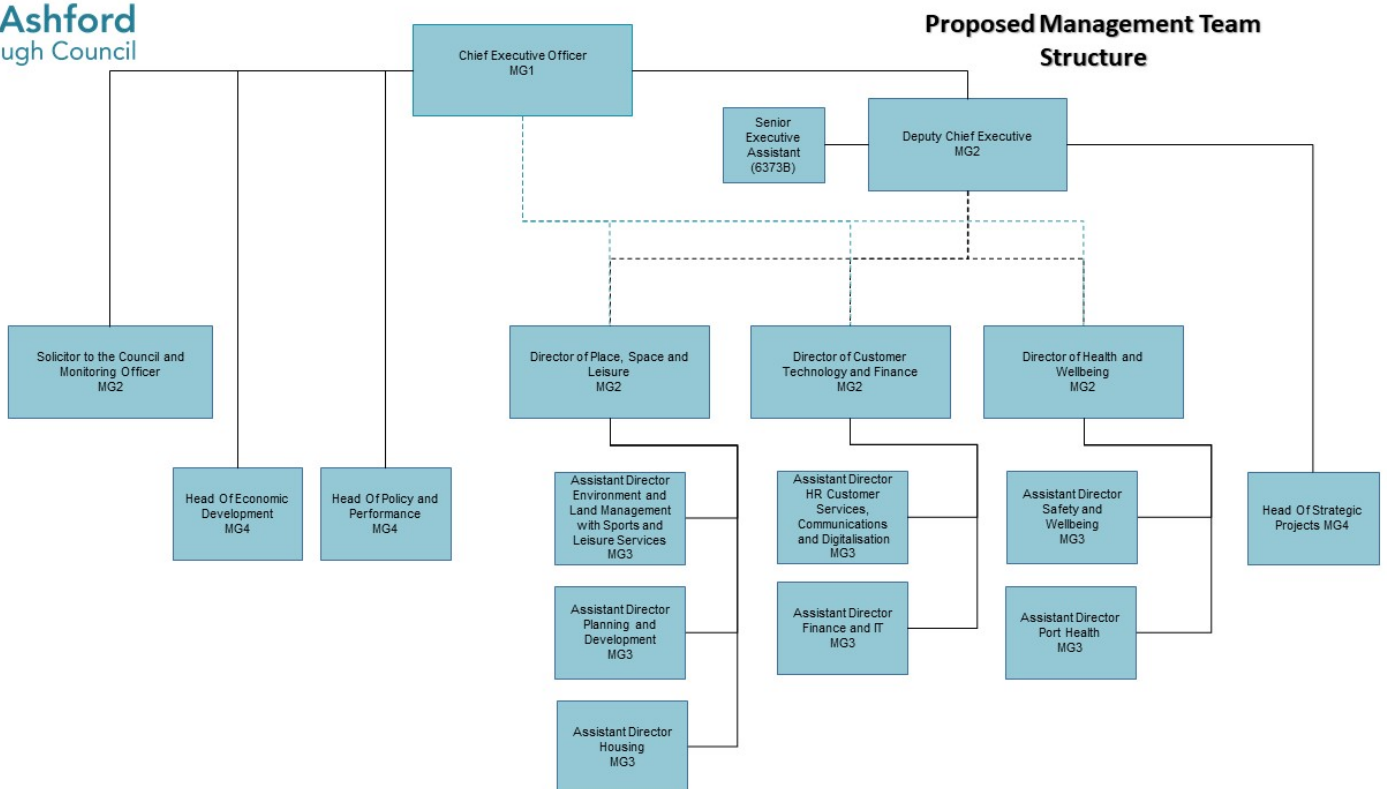
- 10 The current structure removed the Directors and specialists over the last few years and as indicated earlier that was influenced by circumstance. What is clear is that the Chief Executive and Deputy Chief Executive are pulled into areas of operational leadership issues and detailed areas that due to the reduction in the Director level are impacting on their capacity.
- 11 It is expected that the most senior levels of the organisation should be outward focused, dealing at a strategic level, working with some complex partnerships, ensuring that the Corporate Plan is deliverable within its budget, moving the authority through the changing expectations of its customers to be an exemplar organisation. It is important the Chief Executive has the capacity to work closely with the Executive Leader and will drive the transformation of the Council, meeting the economic growth, efficiency of the Council and meeting community expectations.
- 12 The new structure proposes to introduce three Directors which is in recognition that the period without Directors has not given the capacity within the organisation that it now requires. It is possible that the pandemic has clouded the changing need because the organisation has worked in a very different collaborative way over the last 18 months.
- 13 It is important that the structure remains competitive in the market for public sector employment, specifically across Kent and Sussex, but also with the changes to hybrid working even further afield.

14 Our senior structure is no longer in keeping with that of our competitors and hence there is a risk of losing qualified senior staff. This report addresses the necessary changes which need to be made to reflect the dynamics of the ambitious position of the Borough. The report includes a structure that reflects the needs of the Borough, recognises the complexities of the roles required and acknowledges that, the remit of this tier of officer at Ashford is wider than elsewhere. Ashford has driven forward a range of commercial projects that have resulted in senior staff needing the skills to operate as a director on company boards. The proposed changes also help to reflect this additional aspect that is not currently recognised at Ashford.

15 However, the challenging corporate plan priorities, digital transformation, climate change pledge, commercialisation and significant new projects highlight a revised way of working and the introduction of the Directors, maintaining a Deputy Chief Executive with section 151 responsibilities will give the specific strategic leadership needed for services and will enhance delivery.

## Proposals

16 A revised management structure is proposed.



17 Directors will manage either two or three Assistant Directors formerly Heads of Service. The JD for these new posts are attached in the appendices. There will be a reduction to seven Assistant Director areas. Three service areas are proposed

to be removed: Policy, Performance, Economic Development & Communications, Culture, and Corporate Property & Projects.

- 18 Directors will have senior management responsibility for key overarching areas such as safeguarding (Health and Wellbeing), health and safety (Health and Wellbeing), carbon neutrality (Place and Space) and commercialisation (Customer and Finance).
- 19 Due to the complex and cross-cutting nature of the projects and work streams that the Directors will be undertaking it is inevitable that they will be directly accountable to both the CX to some extent and the DCX, the structure chart therefore illustrates this by showing a reporting line to both posts. Members are referred to the cog structure diagram that demonstrates how the structure of the organisation is reliant on collaborative working across service/directorate silos, and this is how the senior team will work together to deliver the council's ambitious agenda.
- 20 Policy, Performance, Economic Development & Communications will be split in to three different areas. Two areas, Policy & Performance and Economic Development, will report directly into the Chief Executive and be part of the Council's Leadership team. The current Head of Policy, Performance, Economic Development & Communications left Ashford Borough Council in January and so there will be no impact on this post-holder. It is proposed that the Communications team will report to the new Assistant Director of HR, Customer Service, Communications & Digitalisation.
- 21 The role of Assistant Director has been evaluated through our evaluation process. The role is notably different to that of Head of Service in both the breath and focus of the role. Assistant Directors will be required to take on a much broader span of responsibilities as two services are redistributed amongst the organisation. Responsibilities will be assumed for a larger workforce, an increased number of direct reports, requiring a wider range of technical understanding and leadership responsibility. The focus of the role will shift from the operational to the strategic; driving the delivery of the corporate plan. Assistant Directors will be required to horizon scan, anticipate problems in the road, resolve significant challenges, proactively develop new services and drive forward commercialism.

### **Economic Development**

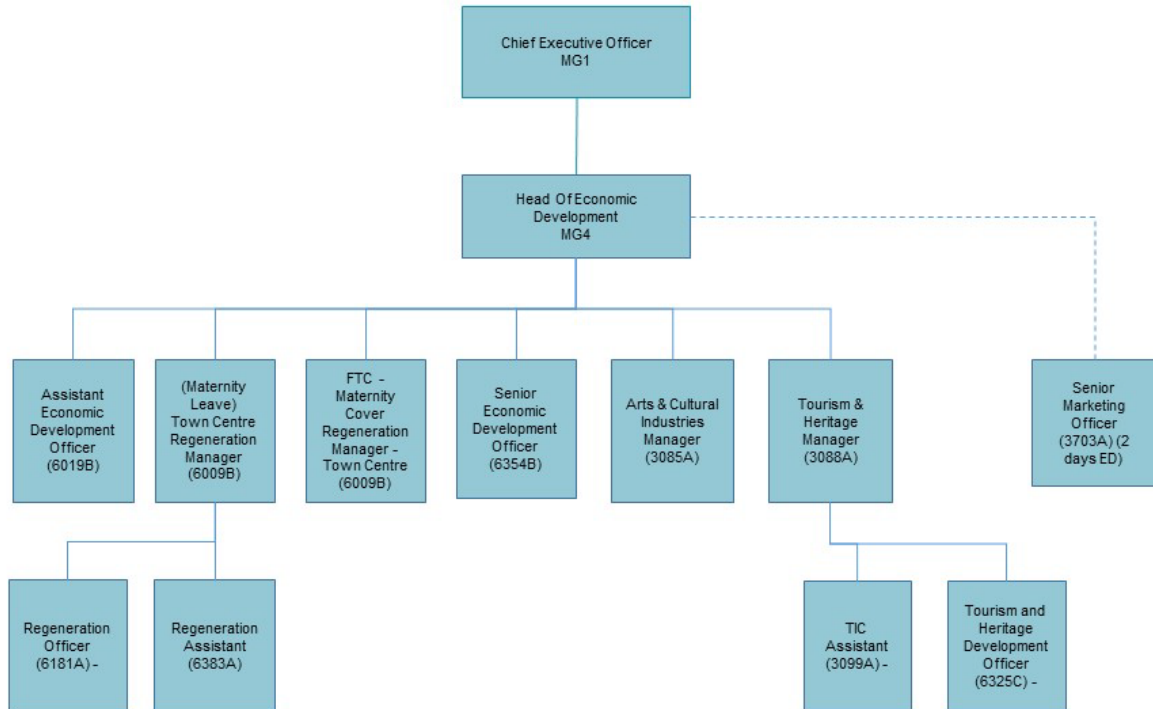
- 22 The current incumbent manager will head-up this team and their grade will reflect the change in managerial responsibility.
- 23 As well as becoming a standalone service area, it is proposed that there is some realignment of other teams across the council, notably Cultural Services. The Economic Development team will take responsibility for Tourism and Heritage as Tourism is seen a key factor in economic growth and vibrancy, and similarly the events we hold are intended to support the economic development of the Borough, so it is proposed that the Economic Development team take overall responsibility

for events. Many of the town centre events are promoted and supported by the 'Love Ashford' brand managed by the Town Centre Regeneration Manager, supported by the Senior Marketing Officer, and the town centre will be a key focus for us in the coming years.

What this means in practice:

- 24 Economic Development Manager will report to the Chief Executive, be part of the Council's Leadership Team and be responsible for Economic Development, Tourism, Cultural Industries and Events that promote the economic and cultural growth of the Council. The Job Title for this officer is proposed to change to Head Of Economic Development to best portray the seniority of the role to external contacts. The JD for this officer has been revised to reflect this proposal and has been amended as part of the consultation process.
- 25 The Tourism and Heritage Manager and her team will move from Cultural Services and report to the Economic Development Manager. There will be no change to grade or role for any of this small team.
- 26 Similarly, the Arts and Cultural Industries Manager will also move from Cultural Services and report to the Economic Development Manager. There will be no change to grade for this officer.





## Policy & Performance

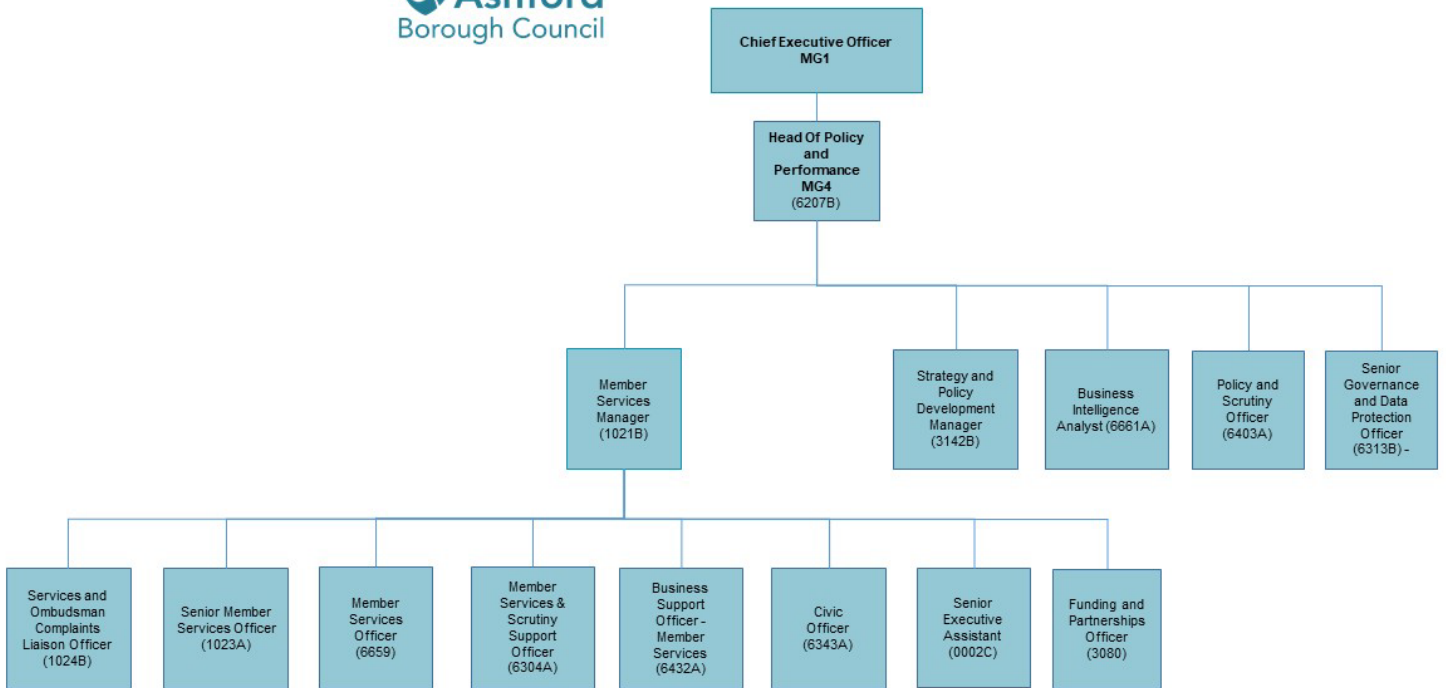
- 27 The current incumbent manager will head-up this team and their grade will reflect the change in managerial responsibility.
- 28 This team will continue to drive forward the corporate policy and performance agenda for the council and ensure that elected members are well supported in developing corporate policy, understanding the performance and the risk profile of the council.
- 29 Like the Economic Development team, as well as becoming a standalone service area, it is proposed that there is some realignment of other teams across the council, Cultural Services and Member Services.
- 30 Currently the Policy & Performance team have a close link to the Leader of the Council and the Office of the Executive Leader, it also supports the Overview & Scrutiny function. There is significant overlap between this team and the Member Services Team. It is proposed that the Policy and Performance Manager takes

responsibility for Member Services. This change will also free up capacity for the Solicitor to the Council & Monitoring Officer to focus on managing Legal Services as his remit is proven to be too wide to easily manage in part-time hours following his flexible retirement in April of last year. The Solicitor to the Council & Monitoring Officer will remain responsible for Legal Services and Elections reporting directly to the Chief Executive.

- 31 The Funding & Partnerships Officer works closely with parish councils and with elected members supporting the grant schemes in the council. There appears to be synergy between this role and the role of member services, so it is proposed that this role moves out of Cultural Service and into Member Services.

What this would mean in practice:

- 32 The Policy & Performance Manager will report to the Chief Executive, be part of the Council's Leadership team and be responsible for the delivery of the monitoring of the corporate plan, performance of the Council oversees risk, data protection, and Overview and Scrutiny as well as Member Services. The Job Title for this officer is proposed to change to Head Of Policy and Performance to best portray the seniority of the role to external contacts. The JD for this officer has been revised to reflect this proposal . The post holder has increased their hours to full time since the beginning of January 2022.
- 33 The Member Services Manager will now report to the Head of Policy & Performance. The Funding & Partnerships Officer will now report to the Member Services Manager. It is not proposed to make any changes to the JD or grade of the Funding & Partnerships Officer. The JD for the Member Services Manager will be revised to reflect the additional report.
- 34 The Solicitor to the Council & Monitoring Officer will no longer have responsibility for Member Services, the grade and JD for the role will not change.
- 35 The Strategy and Policy Development Manager will report into the Head of Policy and Performance.



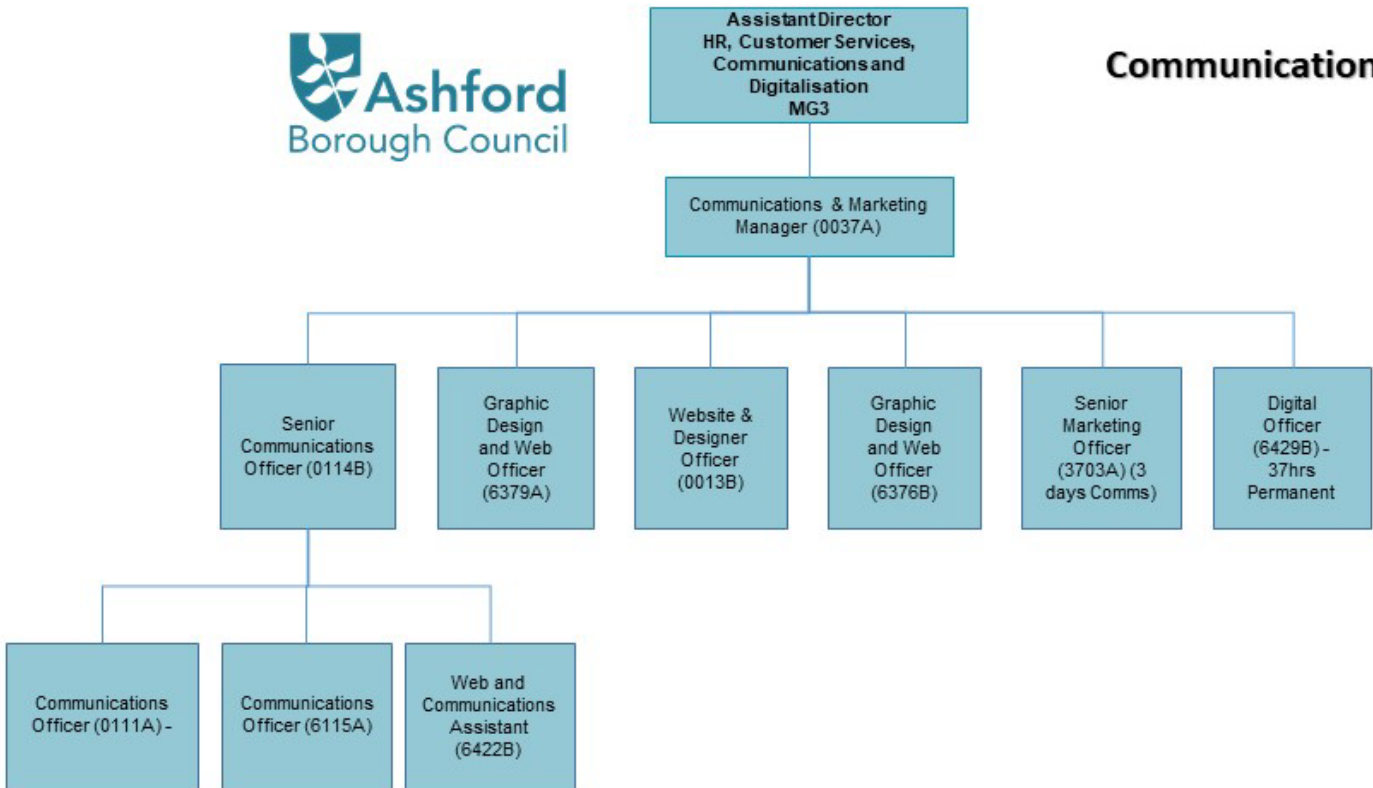
**Communications**

36 The primary aim of the communications function is to ensure that the residents and businesses in the borough (our customers), and our staff, are well informed about what the council is doing. To help better align the work the communications team and customer services team do it is proposed that communications now sit in the HR & Customer Services service under a new post of Assistant Director of HR, Customer Services, Communications & Digitalisation.

What this means in practice:

37 Communications & Marketing Manager: will now report to the new post of Assistant Director of HR, Customer Services, Communications & Digitalisation. This post will be responsible for the day-to-day communications for the Council, PR, web site, social media. There will be no change to the grade or JD for the Communications & Marketing Manager.

38 The importance here is while we have specific reporting lines the interaction across services and the interaction between officers demonstrates the values of the COG structure and the success of truly integrated teams.



## Corporate Property & Projects

39 The need to have dedicated resource on key corporate projects such as the Newtown Works, Stodmarsh mitigation and 'Project Green' has been a consideration for some time as it will be important to keep the delivery of these strategically important projects on track. The current Head of Corporate Property & Projects has requested flexible retirement. This request has allowed us to consider approaching the project support differently and it is therefore proposed that we create a specialist project officer, funded by the projects, reporting directly to the Deputy Chief Executive that will be part of the Council's management team.

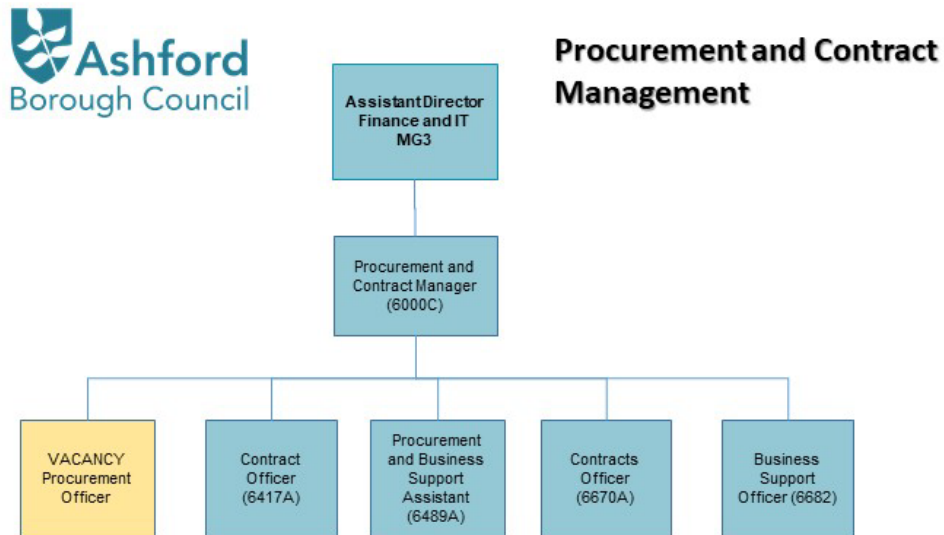
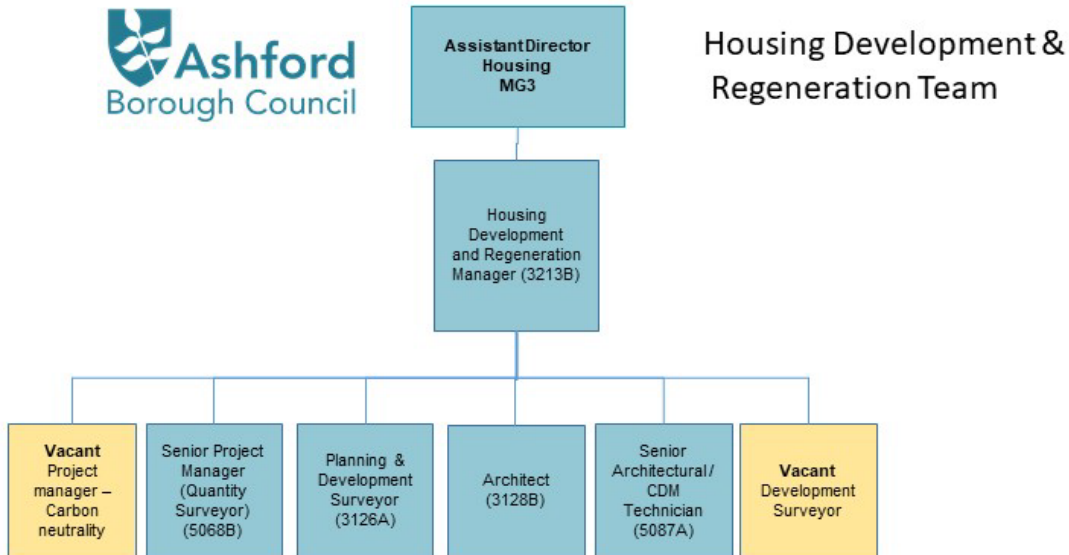
40 It is not proposed that we replace the Head of Corporate Property and Projects but use this as an opportunity to review how the diverse Corporate Property & Projects service could be aligned with other teams to provide greater synergy. There has been sufficient informal consultation with the current Head of Corporate Property and Projects about how we might accommodate his flexible retirement request in light of emerging corporate plan priorities that we are not proposing to put this postholder at risk of redundancy.

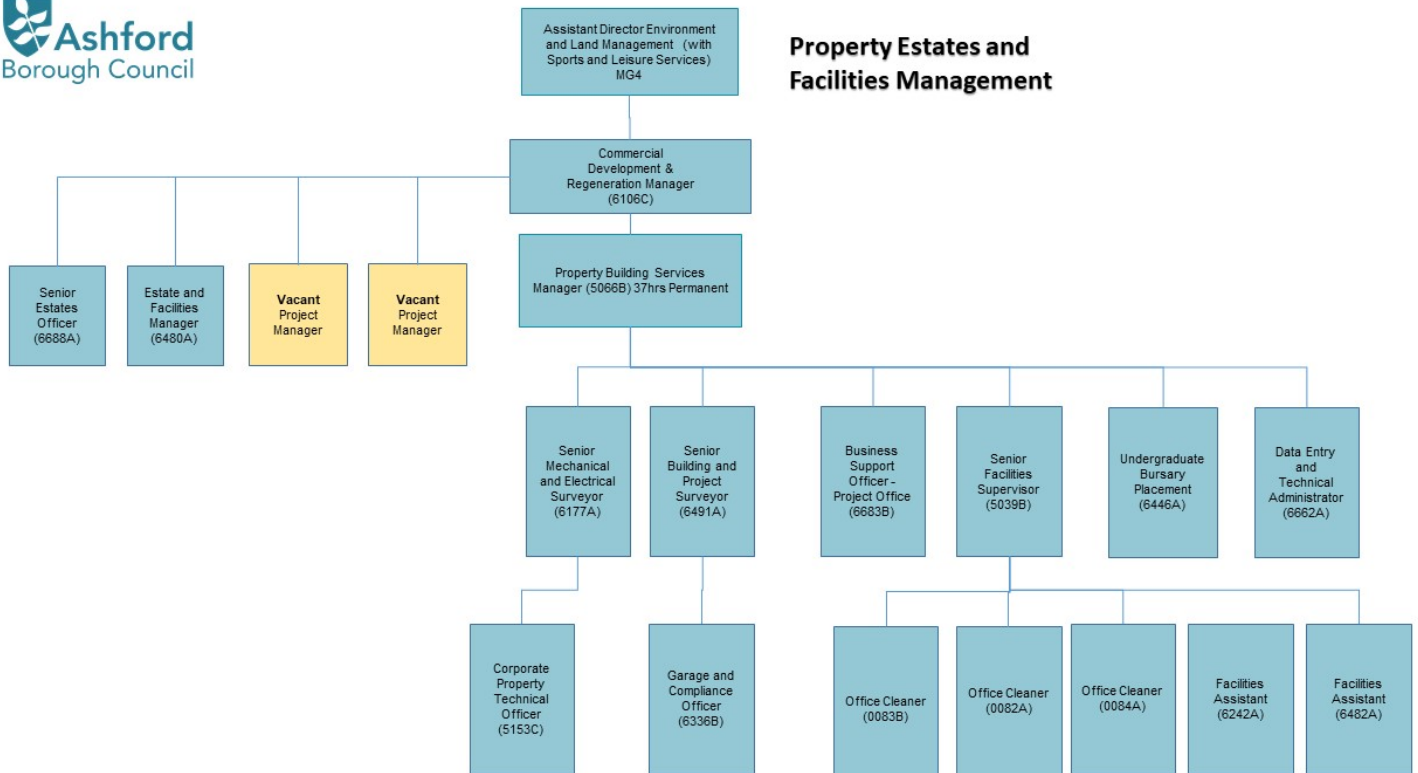
- 41 It is proposed that the Housing Development & Regeneration team will move to the Housing service, this team had been part of housing previously and this changed to maximise the skills base for build projects together with project management skills. However, the council has evolved, and these skills have been developed across the council so reverting back to being part of housing better supports the affordable housing delivery programme.
- 42 Procurement and contract management had been seen as integral to delivery of corporate projects, however as we develop our commercial approach to procurement and contract management it has better alignment with finance so it is proposed that Procurement and Contract Management will move to Finance.
- 43 The current Environment & Land Management service has considerable overlap with managing our land assets and this change provides us with an opportunity to align our property, facilities management and estate management, with the Environment & Land Management service.
- 44 We were proposing that the facilities management of the Civic Centre would be part of Community Safety and Wellbeing, our experience during Covid showed that there is good synergy between the two teams. Following the consultation we have agreed to move the facilities management of the Civic Centre to the Environment & Land Management service.

What this means in practice:

- 45 The creation of a specific role which will report directly to the Deputy Chief Executive and will be responsible for the coordination and delivery of specific projects relating to the economic strategic growth of the Borough. The Job Title for this officer is proposed to be Head Of Strategic Projects to best portray the seniority of the role to external contacts There is a new JD for this post.
- 46 Housing Development & Regeneration Team will move back to the Housing Service and report direct to the new role of Assistant Director for Housing. It is not proposed that there are any changes to the role or grade of this post, or any of their direct reports.
- 47 Procurement and Contract Management Team will report to the new role of Assistant Director of Finance and IT. It is not proposed that there are any changes to this role or grade of any post in this team.
- 48 The property management, all estate management and FM management along with acquisitions, disposals, corporate project delivery and facilities (lead by the Commercial Development & Regeneration Manager) will report to the new role of Assistant Director of Environment & Land Management. It is not proposed that there are any changes to the roles or grades of any post in this team.

49 The role of the Business Support Officers is not expected to change, regardless of which service they sit in, it is anticipated they will continue to operate in a similar way.





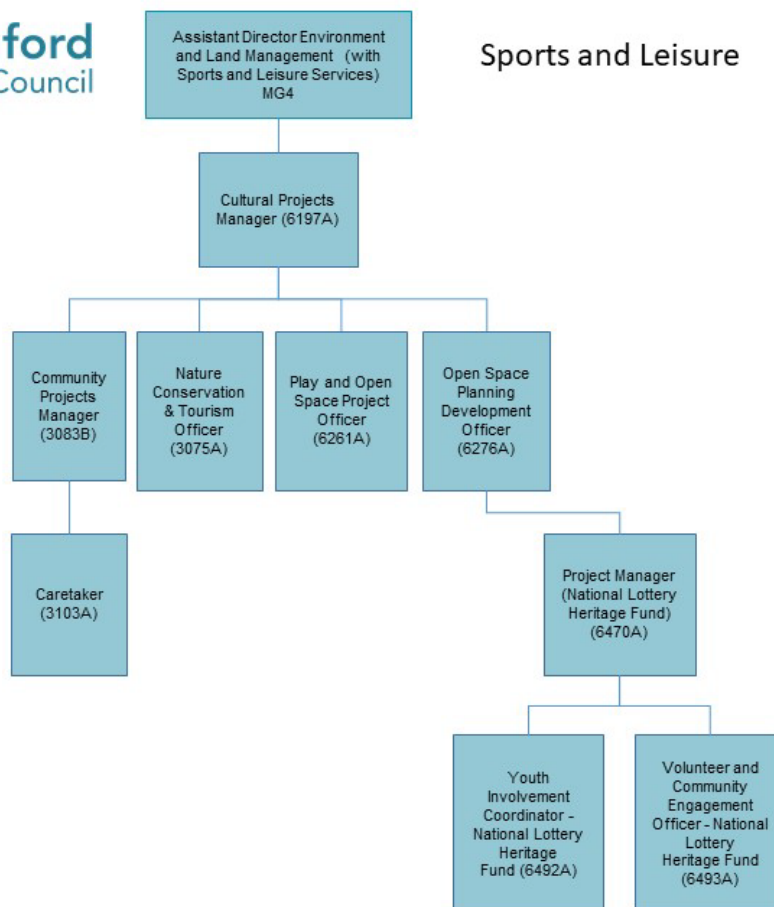
## Cultural Services

- 50 As described above, the current Environment & Land Management service has considerable overlap with managing our land assets and this change provides us with an opportunity to align our property, facilities management and estate management.
- 51 This review also provides us with an opportunity to ensure that the planning and delivery of our other assets such as leisure centres, parks and open spaces are coordinated from a centralised team. On occasions one service makes decisions on the development of the facilities/assets that another team needs to support in the longer-term impacting budget and resources. It is proposed to centralise this function to help join up the long-term strategic aims with the short-term management issues.
- 52 Earlier in this paper we proposed to disaggregate parts of the Cultural Services team into other services, we are also proposing that the final aspect of the Cultural Services team be reassigned into Environment & Land Management so that the assets and projects that the Cultural Services team deliver are aligned to the teams that will have to maintain them.

What this means in practice:

53 Cultural Services will not exist as a service and therefore the Post of Head of Cultural Services has been put at risk of redundancy as part of the formal consultation process. If the proposal goes ahead in its current form, the postholder will be able to apply for the Director posts and any resulting Assistant Director post in line with our Managing Redundancy Restructures and Organisational Change Policy.

54 The Sports and Leisure functions will report to the new role of Assistant Director of Environment and Land Management. The Cultural Projects Manager will have some adjustment to his role due to the changes to the reporting line of the Arts & Cultural Industries Manager and Funding & Partnerships Officer highlighted earlier in the paper. However, these changes are not considered to be sufficient to put this post holder at risk of redundancy, and the revisions to the JD are minor reflecting the aspects of his role that will be managed elsewhere under this proposal.





## **Legal & Democratic Services**

What this means in practice:

- 55 The Solicitor to the Council & Monitoring Officer will be responsible for the Legal and Elections teams and no longer responsible for Member Services as it is proposed that this team will move into Policy & Performance Service. There will be no revisions to the JD for this role. The post will report to the Chief Executive.
- 56 The Member Services Manager will report to the Head of Policy and Performance, the JD will be amended to reflect this change. The Funding & Partnerships Officer will form part of the member services team.

## **Environment & Land Management**

What this means in practice:

- 57 The Head of Service will be redesignated Assistant Director Environment & Land Management. The post will report to the new role of Director Place, Space & Leisure.
- 58 Additional Services will be added: Cultural Projects and Commercial, Development and Regeneration. These teams will report directly to the Assistant Director of Environment and Land Management.

## **Housing Services**

What this means in practice:

- 59 The Head of Service will be redesignated Assistant Director Housing. The post will report to the new role of Director Place, Space & Leisure.
- 60 Additional Services will be added: Housing Delivery & Regeneration Team.

## **HR & Customer Services**

What this means in practice:

- 61 The Head of Service will be redesignated Assistant Director HR, Customer Services, Communications & Digitalisation. This post will report to the new role of Director of Customer, Technology and Finance.
- 62 Additional Services will be added: Communications Service.

## **Community Safety & Wellbeing**

What this means in practice:

63 The Head of Service will be redesignated Assistant Director Community Safety & Wellbeing. . This role will report to the new role of Director of Safety, Health and Wellbeing.

## **Finance & IT**

What this means in practice:

64 The Head of Service will be redesignated Assistant Director Finance & IT. This post will report to the new role of Director of Customer, Technology and Finance.

65 Additional Services will be added: Procurement Team.

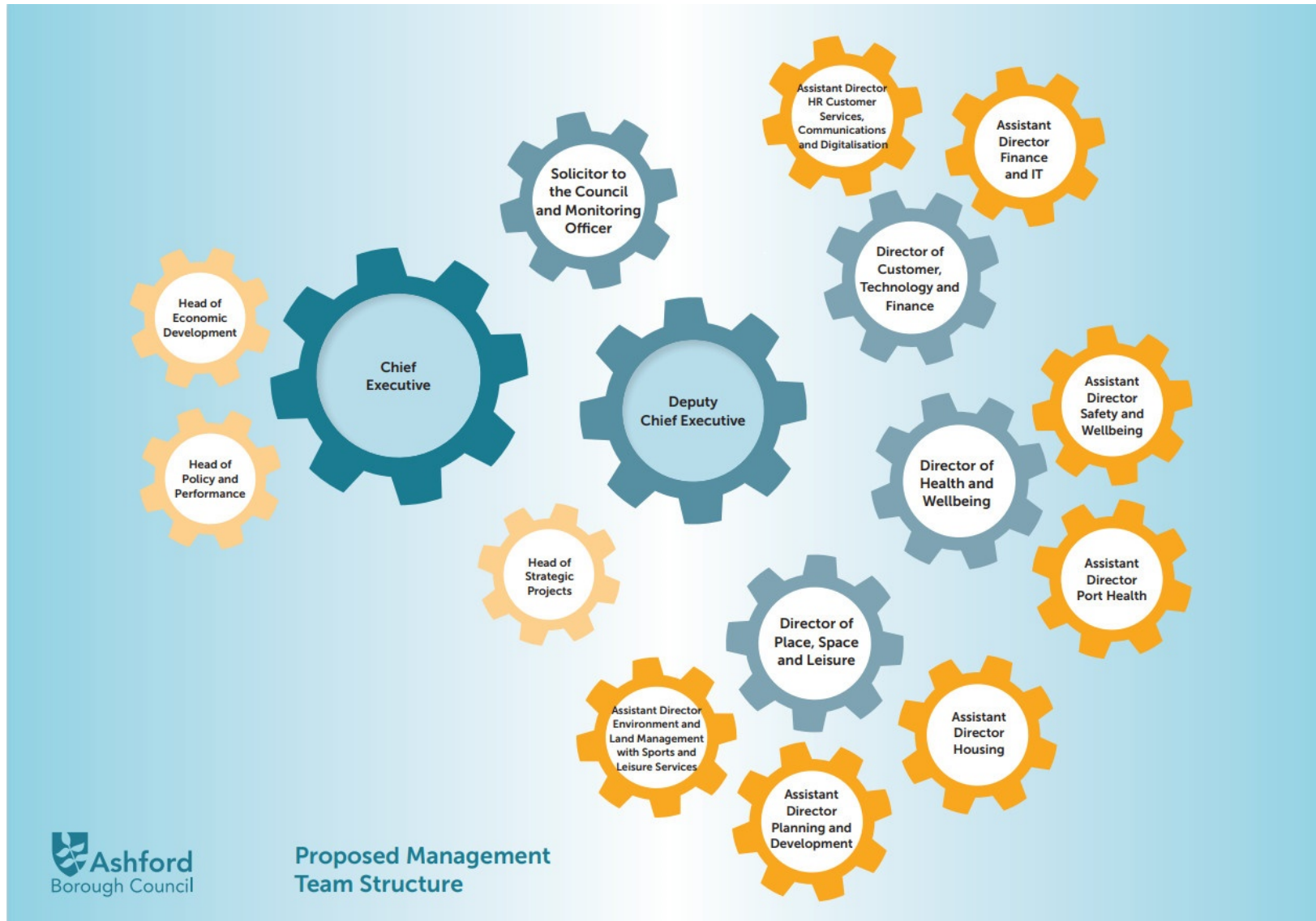
## **Planning & Development Service and Port Health Service**

66 There are no proposed additions to the Planning & Development Service or the Port Health Service although the roles will be redesignated and graded as Assistant Directors to reflect the strategic nature of the roles and to ensure consistency with other posts.

67 The Assistant Director of Planning & Development will report to the new role of Director Place, Space & Leisure.

68 The Assistant Director of Port Health will report to the new role of Director of Safety, Health and Wellbeing

## 69 Revised Cog Structure



## Handling

- 70 External expertise was not engaged prior to the submission of the proposals as the Executive Leader and the Chief Executive understood the issues at hand and did not need to unnecessarily engage external consultants.
- 71 The Director vacancies will be ring fenced to Heads of Services. These will be a member appointment. Directors will be paid at MG2.
- 72 Assistant Directors will be slotted into their positions from the existing Heads of services and will be paid at MG3. The Head of Corporate Policy, Economic Development and Communications is vacant and will be deleted. The Head of Culture will be at risk of redundancy and the Head of Property and Projects will be slotted to a new role as Head of Strategic Projects.
- 73 Assistant Director roles have been evaluated
- 74 The MG2 grade has two discretionary points of 5% and 10% of the top of the grade that are typically awarded at the recruitment stage. It is not proposed that the discretionary points are applied to the director roles, but it is proposed that the grade for the Deputy Chief Executive will include the discretionary points to reflect the deputisation for the Chief Executive.
- 75 The specialist roles reporting to the Chief Executive or Deputy will be at an MG4 grade. We are satisfied that MG4 is an appropriate grade for the specialist roles given the breadth of professional areas that will be managed by the post holder.
- 76 Vacancies that arise will be advertised internally in the first instance, allowing the opportunity for internal applicants to demonstrate their ability to fulfil the vacant roles. Improving general opportunities for succession within the capable teams that exist within the Authority and reducing the risk of flight of our many capable members of staff, particularly in a difficult recruitment market across the professions in Local Government. Ultimately, there will be vacancies that will need to be advertised externally as structures settle down.
- 77 Any redundancies that arise will be minimal and paid in accordance with the Council's Policy.
- 78 It is anticipated that the revised structure will create the leadership, opportunities, capacity, and capability required to deliver the corporate priorities and the extremely ambitious corporate plan.
- 79 The new structure has been costed alongside the existing structure and in year one it is comparable in costs but will create budget pressures in subsequent years but there is likely to be adjustments in the resulting structure below the three new Director positions that will make these changes cost neutral.

80 All structures are flexible and need to reflect the demands on services, corporate direction and budget capacity. This new structure seeks to manage the current position and the corporate demands. However, it is accepted as time goes on a creative and ambitious organisation such as ABC may need to tweak the structure as digital transformation occurs and commercial opportunities arise and structures within teams are reviewed and reflect such change.

### **Staffing Implications**

81 The total headcount for the management structure is increasing by one (0.6 FTE) but this will be mitigated by further adjustments once internal appointments have been made. The proposal currently has the Head of Culture post being deleted from the establishment requiring one post holder to be put at risk of redundancy. Consultation with affected individuals will discuss suitable roles in the proposed structure.

82 The proposed model highlights post holders who are affected in one of three different ways.

- GROUP ONE – At risk group. One post holder (Head of Service Culture) is significantly affected as it is proposed that their role is deleted from the establishment under the proposals highlighted. Affected post-holders will be placed at risk of redundancy as part of the consultation process and suitable alternative roles discussed.
- GROUP TWO – Significant contractual change is proposed for this group. This group of post-holders are being consulted with regarding a proposed change to terms and conditions. This level of change is around job title, grade, salary and role focus as reflected in the proposed job descriptions. Change is not considered to be so material that the post is fundamentally removed. Post holders in this group will be invited to individual consultation meetings.
- GROUP THREE - Some contractual change is proposed for this group. This group of post-holders are being consulted with regarding a proposed change in service which is a contractual term. Additional informal changes are proposed such as reporting line, scope of role, number of reportees etc as reflected in the proposed job descriptions. Post holders in this group have the option to attend a consultation meeting if they wish to.
- GROUP FOUR – Non-contractual changes are suggested for this group such as change in report line. Post holders in this group will be consulted with via email.

### **Consultation Planned or Undertaken**

83 Consultation has taken place on an individual basis with the affected employees and with all staff via the JCC. Consultation feedback received during the consultation process is summarised in the minutes of the JCC Minutes (10 February 2022).

84 A high proportion of the consultation feedback was around the disproportionate pay increase that existing senior managers would receive, and it was highlighted at the JCC that this would be in addition to the cost of living rise currently being

negotiated with Unison. The strength of feeling was such that we have reviewed the impact of this and have decided to recommend that the MG4 and above pay scales have a smaller cost of living increase applied than other pay scales. This will control the overall pay increases whilst also protecting against pay compression at the top of the pay scales. It is proposed that the increase is 1.5% whereas the current pay offer is 2.25%.

85 During the consultation process concern was raised by officers about inflation levels and the rising cost of living. This concern is recognised and the HR team will be providing additional guidance on financial wellbeing together with ad hoc welfare support where required. Pay negotiations with Unison for the 2022/2023 Pay Award are ongoing.

86 If the proposals are accepted, the affected employee in Group One who is at risk of redundancy will be consulted with regarding suitable alternative internal vacancies. Should no suitable alternative roles be available, affected employees selected for redundancy, will subsequently be served with their notice of termination by reason of redundancy and provided with information regarding their right of appeal against this decision.

87 Any potential terminations of employment, by reason of redundancy, following consultation as set out as above are proposed to be communicated on 04 March 2022. Appropriate redeployment processes will be followed prior to discussions on termination date, if applicable, ensuring statutory notice periods are followed.

88 If the proposals are accepted affected employees in Group Two and Group Three will be advised of any changes to their contractual terms and conditions with the proposed implementation after 04 March 2022.

89 If the proposals are accepted affected employees in Group Four will be advised of any changes to their contractual terms and conditions with the proposed implementation after 04 March 2022.

90 Recruitment activities for the proposed new Director roles will commence via Appointments Committee no later than April 2022.

### **Other Options Considered**

91 A range of options were considered, taking into account the resource demands of the new corporate plan. These included: retaining the current structure, a number of different alignments of services, fewer directors.

### **Reasons for Supporting Option Recommended**

92 The proposed structure was chosen as it provides resilience at senior level and supports the alignment of teams that have overlap or close working relationships. It provides a structure that opens up development opportunities for staff in the future helping to retain experienced and skilled staff.

## **Financial Implications**

93 The new structure has been costed alongside the previous director structure and the existing structure and, (in year one for comparison purposes with the existing structure) it is comparable in costs. That is not to say that savings will be made and it is noted that there may be budget pressures in subsequent years. However, the rationale behind the proposals are not cost based but instead to secure the most suitable and appropriate senior structure for our organisation.

94 For information purposes only, the table below shows a comparison of the previous, current and proposed structures (at the top of the proposed grade for each post).

95 It should be noted at this point that consultation is ongoing with the employee and all reasonable attempts will be made to redeploy them and provide them with a suitable alternative role

96 In the event that a suitable alternative role cannot be found there will be costs associated a potential redundancy and, due to the post holder being over 55 they would be entitled to the early release of their local government pension. The confidential appendix outlines the associated costs of redundancy and pension fund strain.

97 Costs associated with the early release of pension, owing to the employee's age, are to be approved by full Council.

## **Next Steps in Process**

98 Subject to the approval of council consultation will continue with the affected individual and if no suitable alternatives can be found for the costs associated with the redundancy and early release of his pension will be paid.

## **Comments from the Executive Leader**

99 This is an important restructure for our authority and for the Borough of Ashford. A reflection on our achievements has highlighted for me, the importance of continuing to have the correct structure with a strong officer leadership team in place. The proposed structure is imperative to ensure that we deliver our new corporate plan and continue to provide outstanding services to the residents of our borough.

Not only does the proposed structure provide the necessary resources to support our strategic ambition but it also creates a clear career path for senior talent. In a challenging recruitment market we must focus on succession planning, retention and fair remuneration. I commend this report

## **Conclusion**

100 This is an important review designed to provide the optimum level of service to the public, while meeting requirements to make financial savings in order to meet the challenges the general fund faces over the next 5 years.

101 The proposals set out a realistic and achievable set of measures that will improve service delivery and bring spending levels under control.

## **Contact and Email**

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Proposed Restructure Budget Summary

		PROPOSED STRUCTURE				CURRENT STRUCTURE				CURRENT STRUCTURE				Comments
Position	Grade	Salary (based on highest point) £	Oncosts £	Cash alternative £	Total £	Salary (based on highest point) £	Oncosts £	Cash alternative £	Total £	Salary (based on highest point) £	Oncosts £	Cash alternative £	Total £	
Chief Executive MG1	MG1	120,684	39,055	4,280	164,019	120,684	39,055	4,280	164,019	120,684	39,055	4,280	164,019	
Deputy CE MG2+	MG2+	103,762	33,403	4,280	141,445	93,762	30,184	4,280	128,226					£10k added for DCEX duties
Soli to cou MO MG2	MG2	63,633	20,271	2,996	86,900	93,762	30,184	4,280	128,226					
Director of Finance & Economy	MG2									93,762	30,184	4,280	128,226	
Director of Law & Governance	MG2									93,762	30,184	4,280	128,226	
Director of Place & Space	MG2									93,762	30,184	4,280	128,226	
Directors (Services) MG2	MG2	93,762	30,184	4,280	128,226	0	0	0	0	0	0	0	0	
Directors (Central) MG2	MG2	93,762	30,184	4,280	128,226	0	0	0	0	0	0	0	0	
Directors (health) MG2	MG2	46,881	15,092	2,140	64,113	0	0	0	0	0	0	0	0	Partly funded by the Port (50%)
Ass Direc (LM & Env) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (Housing) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (HR & CS) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (CS&W) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (Planning) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (Finance & IT) MG3	MG3	81,006	25,796	3,050	109,852	0	0	0	0	0	0	0	0	
Ass Direc (APH) MG3	MG3	70,785	22,428	3,050	96,263	0	0	0	0	0	0	0	0	Funded by the port (removed the increase)
Head of Service (LM & Env)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Housing)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Property & Projects)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Culture)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (HR & CS)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Policy)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (CS&W)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Planning)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (Finance & IT)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	
Head of Service (APH)	MG4				0	70,785	22,428	3,050	96,263	70,785	22,428	3,050	96,263	Not in original structure but for

													comparison reasons added	
<b>ED Manager</b>	<b>MG5</b>				0	60,795	19,137	3,050	82,982	60,795	19,137	3,050	82,982	
<b>Head of Economic Development</b>	<b>MG4</b>	70,785	22,428	3,050	96,263				0				0	
<b>Compliance &amp; Data Protection Manager</b>	<b>MG5</b>				0	48,636	15,038	2,440	66,114	48,636	15,038	2,440	66,114	Based on 0.8 FTE
<b>Head of Policy &amp; Performance</b>	<b>MG4</b>	56,628	17,942	2,440	77,010				0				0	Based on 0.8 FTE
<b>Totals</b>		<b>1,206,718</b>	<b>385,764</b>	<b>49,096</b>	<b>1,641,578</b>	<b>1,125,489</b>	<b>357,878</b>	<b>48,830</b>	<b>1,532,197</b>	<b>1,219,251</b>	<b>388,062</b>	<b>53,110</b>	<b>1,660,423</b>	

<b>Pressure from Year 3</b>		<b>109,381</b>
<b>Year 2 Pressure</b>		<b>52,716</b>
<b>Year 1 Saving</b>		<b>(3,660)</b>



# Equality Impact Assessment

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

**Case law principles**

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

<b>Lead officer:</b>	Tracey Kerly Chief Executive
<b>Decision maker:</b>	Cabinet / Council
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Restructure of senior management - proposed
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	Examples may include notes from meetings, emailed conversations (synopsis) alternatives considered and rejected and why
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	Individual consultation meetings have taken place with affected employees

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	none	Neutral
Middle age	none	Neutral
Young adult	none	Neutral
Children	none	Neutral
<u>DISABILITY</u> Physical	none	Neutral
Mental	none	Neutral
Sensory	none	Neutral
<u>GENDER RE- ASSIGNMENT</u>	none	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	none	Neutral
<u>PREGNANCY/MATERNITY</u>	none	Neutral
<u>RACE</u>	none	Neutral
<u>RELIGION OR BELIEF</u>	none	Neutral
<u>SEX</u> Men	none	Neutral
Women	none	Neutral
<u>SEXUAL ORIENTATION</u>	none	Neutral

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	Advice has been provided
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**Is the decision relevant to the aims of the equality duty?**

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

**Conclusion:**

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Consultation has been followed and advice provided by qualified HR professionals

*The council's revised policy register will assist services to meet this*

**EIA completion date:**

14.02.22