

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

FCS 182

Box 1

DIRECTORATE: Finance and Corporate Services

DATE: 12th December 2016

Contact Name: Paul Gordon

Tel. No.: 01302 862182

Subject Matter:

ICT Reshape within Customer Services, Digital & ICT, part of the Finance and Corporate Services Directorate.

Box 2

DECISION TAKEN:

To implement changes to the ICT staffing structure as part of implementing ITIL best practice, a new operating model and new ways of working.

Box 3

REASON FOR THE DECISION:

As part of the aspiration to be an excellent, modern, effective and efficient team delivering a quality service to meet the ever evolving requirements and expectations of the people of Doncaster, the Council and partners at a time when resources are continually diminishing, it has become necessary to review the shape of the ICT services we offer.

In December 2015, a consultation started to review and reshape the senior management level of Customers, Digital & ICT. The result of the review was to change the current structure of a Head of ICT Support and Head of ICT Solutions to a single Head of ICT role and a new role of Head of Digital to manage and lead the Council's Digital Council Programme but also be responsible for implementing the technology in an improved way leaving the ICT Service to focus on technical support and solutions.

The previous ICT structure and functions underneath often resulted in the ICT service not presenting itself as one service to the organisation and limited the ability for more strategic and holistic decision making across the service meaning it was more or less wholly reactive with not enough proactivity and more operational than strategic and innovative. Technology needs to be all these things for the organisations served.

The new structure aligns functions under a new tier of ICT management with their own views and ideas of how an ICT Service should operate backed up by high technical expertise, ITIL and SDI best practice, Agile, Business and Systems Analysis and

Prince II meaning the service is well placed to further modernise to meet the ever changing business requirements of the customers it serves, to better keep up with the fast paced changes in technology and further improve its commercial offer to maintain high value for money, efficiency and job retention.

This is absolutely essential to meet the needs of the future Council, Children's Trust, St Leger Homes, schools and any other customers we may accrue. It is also essential in a financial environment where we once again have major savings to achieve every year leading up to 2021 as detailed in the Council's Financial Plan.

The new structure is not a cost cutting exercise, the new structure actually increases the current staff budget by utilising extra from across the whole of Customers, Digital & ICT. There are also more roles than there are currently. It is also just one of many strands of work currently planned to transform the service with others including:

- End to end redesign of processes used from customer to resolution;
- A strong "Shift Left" principle, empowering customers to resolve issues through automated self-service and knowledge base;
- Implementation of technology including a new customer portal, ICT service management and mobile working;
- A new ICT Operating model;
- Further improved ICT governance and rationalisation through the development and embedment of Architecture and Systems Strategies;
- Further development of our commercial offer to schools;
- Improved performance management;
- Potential further transfer of devolved ICT related tasks into the ICT Service;
- Centralisation of ICT budgets from across the Council; and
- A new more flexible recharge model.

The delivery of technology we are responsible for now also extends to the people of Doncaster who we also require to use our technology to self-serve. For example, we are now involved in the development of a town centre Wi-Fi solution and the rollout of Superfast South Yorkshire broadband across Doncaster.

With regard to the former Carefirst team, the team were unexpectedly transferred into ICT late 2014 but were still operating independently until now. These changes ensure this function is more integrated into ICT and Digital and has the necessary skills support the current AHWB technology but is also well placed to support the future Integrated People Solution.

The proposed tiers of management and number of direct reports in the proposed revised structure were considered and agreed by the Peer Review Panel who assess compliance with the spans and tiers policy in place for the organisation. All recruitment is now complete.

Box 4**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:**

Option 1 – Do nothing.

Option 2 – Implement the attached structure.

Option 2 was the only viable option to meet the needs of the organisations served by the ICT Service.

Box 5**LEGAL IMPLICATIONS:**

The proposed restructure envisages two major implications:-

- (i) A reduction of posts in their existing form; and
- (ii) An increase of posts in their new form.

There are no legal implications in changing the name of the Directorate or job titles. It is however recommended that job descriptions are checked to ensure there are no restrictions to the changes. Staff will need to be consulted with and contracts checked to ensure there are no contractual barriers to the changes.

S112 of the Local Government Act 1972 allows a local Authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Therefore the only considerations must be whether or not the appointment is necessary and whether the terms and conditions are reasonable in the particular circumstances. The grading of any position is subject to the outcome of a job evaluation/grading exercise being undertaken.

In the reduction of posts there is the possibility of redundancy situations which will need the employer to engage in:-

- (a) Collective consultation;
- (b) Individual consultation; and
- (c) assessing the needs of the people affected.

If there are to be more than 20 employees affected Central Government must be notified.

Consultation has to commence, where the employer is proposing to dismiss 100 or more employees, at least 45 days before the first of the dismissals takes effect, and otherwise at least 30 days. Consultation must involve the relevant Unions.

The purpose of consultation is to:-

- (i) Avoid dismissals.
- (ii) Lessen the impact of the changes.
- (iii) Attempt to find alternatives.

In looking for alternatives, some employee's posts will not change dramatically; there will only be minor changes to the existing terms and conditions which can be dealt with in consultation. Where there are proposed major changes, there are greater problems, of redeployment and redundancy. If the role is to change then the employee cannot be slotted into the new role. The Council has policies that deals with the recruitment to new posts.

In finding alternative employment, where the terms and conditions are 'like for like' or slightly varied, there is a right to expect the offer to be accepted; any non-acceptance would be unreasonable. However, where alternative employment is not like for like and the potentially redundant employee is offered an alternative post this can give rise to a claim for unfair dismissal, even if the employee continues to be employed. Assimilation does not exist in law rather consideration should be given to suitable alternative positions for each affected employee and contracts varied accordingly when alternative positions have been agreed.

For redundancy to be a fair reason for dismissal, a redundancy situation, as defined in the Employment Rights Act 1996, must apply and a fair procedure must be followed, which includes a fair selection procedure, individual and union consultation and consideration of suitable alternative employment.

Section 135 of the Act requires an employer to make a redundancy payment to an employee where that employee is dismissed by reason of redundancy. The Council has an enhanced scheme based on the statutory scheme but using actual pay. As the policy is discretionary the decision maker has the option of not following the standard calculation in exceptional circumstances.

Voluntary redundancy is a recognised category of dismissal for redundancy – once an employer decides that redundancies are needed and an affected employee volunteers for redundancy. The employee's request for voluntary redundancy must be confirmed in writing to prevent later claims that they did not agree.

Any redundant employee is entitled to:-

- a) be placed on the Council's redeployment register for up to 12 weeks depending on notice provisions- this is to ensure that the legal obligation to offer suitable alternative jobs is met. Clearly any suitable vacancies in the new structure should be considered even if the new position is a higher graded position.
- b) full consultation period
- c) full notice period

If the redundant employee wishes to waive these entitlements i.e to leave before the expiry of the above entitlements then a letter confirming their request not to be on the redeployment register and/or the full consultation period and or work their full notice should be signed to confirm that the early leaving date is at the employee's request. There must be an actual redundancy situation and no future appointments to this or similar position can be made or access to the employees pension may be ultra vires. It should be noted that the only way to prevent an employee from making a claim to the Employment Tribunal is for the employee and employer to enter into a Settlement Agreement.

Under the Local Government Pension Scheme Regulations 1997 as amended, an employee who is aged 55 or over and retire on grounds of redundancy is entitled to the immediate unreduced payment of their pension benefits. The early release of pension benefits is a cost to the authority.

If it is proposed that the changes to not amount to redundancy but do require a change to terms and conditions of employees then they cannot be unilaterally varied. This means that consultation and negotiation must take place to reach agreement to the proposed changes. The absence of such agreement may mean that there is no alternative but to dismiss and re-engage on the new terms. It is advised that separate legal/HR advice is taken before this course of action is undertaken.

The Council has policies to deal with restructures, Staff Reductions and Redeployment which should be followed.

Name: Helen Wilson Signature: _____ Date: _____
Signature of Assistant Director of Resources (Legal and Democratic Services)
(or representative)

Box 6
FINANCIAL IMPLICATIONS:

The 2016/17 budget for salaries within the whole C, D & ICT service is £4,308,070. An allocation of £122,000 has been found within the ICT area from previous underspent budgets to improve the service that is currently offered to schools, which will help to increase the income generated by them. This money has been applied within the new structure to fund the schools support team therefore we have an available budget in 2016/17 of £4,430,070 to fund all salaries within this service.

The new structure for C, D & ICT has a cost for 2016/17 as follows:

Management	£126,320
ICT	£2,461,500
Digital	£758,130
Customer Services	£1,071,320
Total Salary cost all C, D & ICT	£4,417,270

This leaves £12,800 surplus budget relating to salaries which will be utilised by the ICT area to help fund a further post to be detailed in a separate report.

All the costings above exclude temporary posts which are funded by earmarked reserves. These costs have been subject to previous individual ODR's.

Name: Adele Beasley Signature: By email Date: 21/02/17
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7**HUMAN RESOURCE IMPLICATIONS:**

HR have been involved throughout the Consultation process with Senior Management, staff and the Trades Unions in-line with the Council's Structure review policy.

Consultation has included Job Evaluation of new and revised posts in the new Structure and discussions around the population of the structure. All posts have been recruited to in line with the Council's policy and procedures, ensuring that the redeployment register was checked initially for any potential matches. All staff have been supported throughout the process and where any redundancies where necessary a separate ODR will be completed for each individual to be submitted to peer panel.

The staffing structure has been provided to the team at Rotherham to facilitate changes to the HR system and for pay purposes.

Name: Kevin Mills Signature:  Date: 17th February 2017
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8**PROCUREMENT IMPLICATIONS:**

N/A

Name: _____ Signature: _____ Date: _____
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9**ICT IMPLICATIONS:**

There are no technical implications in relation to the changes to the ICT staffing structure outlined in the ODR. The relevant line managers will be responsible for updating the HR Portal to reflect the changes.

Name: Peter Ward (ICT Strategy Programme Manager)

Signature:  Date: 16/02/17

Signature of Assistant Director of Customers, Digital & ICT
(or representative)

Box 10**ASSET IMPLICATIONS:**

N/A

Name: _____ Signature: _____ Date: _____
Signature of Assistant Director of Trading Services and Assets
(or representative)

Box 11**RISK IMPLICATIONS:**

The risks identified with regard to this decision are:

- Impact on service delivery throughout consultation and recruitment;
- Losing key technical skills; and
- Staff morale impacting on the quality of customer service.

Box 12**EQUALITY IMPLICATIONS:**

Due regard was taken throughout the consultation and recruitment exercise.

Name: _____ **Signature:** _____ **Date:** _____
(Report author)

Box 13**CONSULTATION**

In line with Council policy a full consultation exercise has been undertaken with staff who would be affected by the changes in structure and Union representatives from GMB, Unite and Unison with the assistance of HR.

Box 14**INFORMATION NOT FOR PUBLICATION:****Publish in full**

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures.

Name: Sarah Marshall **Signature:** by email **Date:** 1st March 2017
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed:



Assistant Director of Customer Services, Digital & ICT Date: 1st March 2017

Signed: _____ Date: _____

**Additional Signature of Chief Financial Officer or nominated
representative for Capital decisions.**

Signed: _____ Date: _____

**Signature of Mayor or relevant Cabinet Member consulted on the above
decision (if required).**

- **This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.**
- **A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.**
- **A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.**
- **A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox**