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|  | <p style="text-align: center;"><b>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</b></p> <p style="text-align: center;"><b>27 March 2017</b></p>                                  |
| <p style="text-align: right;"><b>Title</b></p>                                    | <p><b>Adults &amp; Health Joint Commissioning Unit Restructure</b></p>  |
| <p style="text-align: right;"><b>Report of</b></p>                                | <p>Commissioning Director Adults and Health</p>   |
| <p style="text-align: right;"><b>Wards</b></p>                                    | <p>None</p>   |
| <p style="text-align: right;"><b>Status</b></p>                                   | <p>Public</p>   |
| <p style="text-align: right;"><b>Appendices</b></p>                               | <p>Appendix 1 - Close of Staff Consultation Document.<br/>Appendix 2 - Employee Equality Impact Assessment.<br/>Appendix 3 - Resident/Service User Initial Equality Analysis.</p> |
| <p style="text-align: right;"><b>Officer Contact Details</b></p>                  | <p>Joanne Humphreys, Project Lead, Commissioning Group<br/><a href="mailto:joanne.humphreys@barnet.gov.uk">joanne.humphreys@barnet.gov.uk</a>; 020 8359 3311</p>                  |

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| <h2>Summary</h2>  |
| <p>A review of the Joint Commissioning Unit (JCU) carried out in 2016 identified opportunities to improve the management structure of the JCU, to ensure it has the right structural design and form to effectively deliver the commissioning plans of the Council and the Barnet Clinical Commissioning Group (BCCG). Following a period of informal engagement with JCU staff, restructure proposals were subject to formal staff consultation in the period 16 January – 14 February 2017. This paper sets out the final form of the restructure and the timetable for implementing the new structure.</p> |

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| <h2>Decisions</h2>   |
| <ol style="list-style-type: none"> <li><b>To approve the restructure as described in this document.</b></li> </ol> |

**1. WHY THIS REPORT IS NEEDED**

- 1.1 In 2013 the Adults Joint Commissioning Unit (JCU) was established as a key vehicle for the Council and NHS Barnet Clinical Commissioning Group (BCCG) to deliver the aims of Barnet's Health and Wellbeing Strategy and the commissioning intentions articulated in the Council's Corporate Plan and in BCCG's strategic plans. The JCU works across the Council's Commissioning Group and BCCG's Integrated Commissioning Directorate.
- 1.2 Since the JCU was established, the Council's journey towards becoming a Commissioning Council has progressed significantly and the Council has reviewed and refreshed its commissioning intentions. In 2016 it was agreed that the time was right to review the JCU, to ensure it has the right structural design and form to effectively deliver the Council and BCCG's commissioning plans in the context of the development of Sustainability and Transformation Plans (in full) and changes to BCCG commissioning.
- 1.3 Following a review of the JCU function, a period of informal engagement with JCU staff took place in November – December 2016. Staff feedback received during informal engagement was reflected in the restructure proposals that were then subject to a formal 30 day period of staff consultation (16 January – 14 February 2017).
- 1.4 Following staff consultation, a final summary of the JCU restructure (enclosed) was circulated to JCU staff.
- 1.5 At the time of the consultation, the Adults JCU had an establishment of 20 posts, occupied by 12 Whole Time Equivalents. As fewer than 20 staff would be affected by the restructure, the Council's Constitution gives the Adults and Health Commissioning Director power to authorise the deletion and creation of posts required to implement a new structure for the Adults JCU.
- 1.6 The JCU restructure includes a proposal to bring two Head of Service roles (both vacant posts) together in a single post at a more senior grade (Assistant Director). The Council's Constitution requires the creation of a new Assistant Director post to be approved by the General Functions Committee. The proposal to create an Assistant Director post was approved by the Committee on 20 March 2017.

## **2. REASONS FOR DECISIONS**

- 2.1 External assessment carried out as part of the Adults JCU review and feedback received from JCU staff both identified the need for more senior leadership roles within the Adults JCU. As such all current posts have been redesigned.

2.2 The new JCU establishment will have 13 posts, all of which are higher graded to reflect the need for the JCU function to have more senior level experience.

## Summary of changes to the establishment

| Current roles to be deleted   | Unified Reward Grade | Posts (WTE)  | New roles to be created   | Unified Reward Grade | Posts (WTE)  |
|---|----------------------|--------------|---|----------------------|--------------|
| Head of Service (Mental Health and Learning Disabilities)                               | M                    | 1.00         | Assistant Director  | O                    | 1.00         |
| Head of Service (Frail Elderly, Physical & Sensory Impairment and Long Term Conditions) | 8C <sup>1</sup>      | 1.00         |   |                      |              |
| Joint Commissioning Manager, Older Adults and Physical & Sensory Impairment             | L                    | 1.00         | Lead Commissioners for: <ul style="list-style-type: none"> <li>• Older Adults &amp; Integrated Care</li> <li>• Learning Disability &amp; Physical Disability</li> <li>• Mental Health &amp; Dementia</li> </ul> | M                    | 3.00         |
| Joint Commissioning Manager, Older Adults   | L                    | 1.00         |   |                      |              |
| Joint Commissioning Manager, Learning Disabilities                                      | L                    | 1.00         |   |                      |              |
| Joint Commissioning Manager, Mental Health  | L                    | 1.00         |   |                      |              |
| Joint Integrated Care Programme Manager   | 8B <sup>2</sup>      | 1.00         | Delivery Commissioners  | K                    | 8.00         |
| Social Care Commissioning Lead  | J                    | 5.00         |   |                      |              |
| Health Commissioner   | 7 <sup>3</sup>       | 6.00         | Business Intelligence Officer   | I                    | 1.00         |
| Commissioning Officer   | I                    | 1.00         |   |                      |              |
| Programme Support Officer   | D                    | 1.00         |   |                      |              |
| <b>Total</b>  |                      | <b>20.00</b> |   |                      | <b>13.00</b> |

<sup>1</sup> BCCG employee so not subject to Unified Reward pay scales. Band 8C is equivalent to Unified Reward grades M-N.

<sup>2</sup> BCCG employee so not subject to Unified Reward pay scales. Band 8B is equivalent to Unified Reward grades L-M.

<sup>3</sup> BCCG employees so not subject to Unified Reward pay scales. Band 7 is equivalent to Unified Reward grades J-K.

- 2.3 In line with the Council's policy on Managing Organisational Change, the job descriptions for the new roles have been mapped against the job descriptions for current roles. Where 55% or more of the content of an existing role is contained within a new post, the individual will be appointed to the new role without competition or selection. If the 55% rule applies and there are more staff who have a claim on that role than there are posts available, the posts will be ring-fenced and only those meeting the 55% rule will be able to apply for the posts.
- 2.4 The results of the mapping exercise are as follows:
- Assistant Director: no current staff mapped.
  - Lead Commissioners: no current staff mapped.
  - Delivery Commissioners:
    - One member of staff (BCCG employee) achieved minimum mapping threshold and holds protected employment rights due to current maternity leave, and is therefore appointed to the new role without competition or selection.
    - Ten staff members (three BCCG employees and seven LBB employees) achieved minimum mapping threshold and will participate in ring-fenced selection process for the seven available posts.
  - Business Intelligence Officer: no current staff mapped.
- 2.5 One member of staff (LBB employee) has not been mapped to a role in the new structure. There are therefore a total of eight LBB employees who have been notified that they are at risk of redundancy.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3.1 **Do nothing:** the current Adults JCU structure has insufficient senior leadership roles. The JCU is a key strategic vehicle for both the Council and BCCG, and is pivotal to delivering both organisations' commissioning intentions and the aims of Barnet's Health and Wellbeing Strategy. The JCU will also have a significant role to play in delivering the future vision set out in the North Central London Sustainability and Transformation Plan. It is therefore crucial that the JCU has an effective structure with sufficient senior-level officers to shape the future health and social care agenda in Barnet.
- 3.2 Alternative proposals were put forward by staff as part of the consultation process. These proposals and the leadership response to them are detailed in the Close of Staff Consultation Document.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 A timetable for implementation of the new structure is provided in the Close of Staff Consultation Document.

#### **5. IMPLICATIONS OF DECISION**

##### **Corporate Priorities and Performance**

- 5.1 Successful implementation of the Council's Commissioning Plan will help to support and deliver the following 2015 – 2020 Corporate Plan objectives for health and social care services:
- To remodel social care services for adults to focus on managing demand and promoting independence, with a greater emphasis on early intervention.
  - To fully integrate social care commissioning with health services, helping the NHS manage the huge costs of A&E and hospital admissions through greater provision of primary and community care.
  - To make a step change in the Council's approach to early intervention and prevention as a means of managing demand for services.
  - To implement the Council's vision for adult social care, which is focused on providing personalised, integrated care with more residents supported to live in their own home.
- 5.2 This approach is consistent with the Joint Health and Wellbeing Strategy 2016-2020 which sets out a vision that includes providing a shared vision and strategic direction across partners; continuing emphasis on prevention and early intervention and joining up services so residents have a better experience.

##### **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.3 Eight LBB employees have been placed at risk of redundancy. The total potential cost of redundancy payments to these staff has been calculated at £70,000. Additional pension strain costs would be incurred for four of these employees. The total pension cost across all four staff members would be £408,000.
- 5.4 The Council has an objective to minimise the potential for redundancies. All individuals identified to be at risk of redundancy will have access to redeployment opportunities, as well as receiving further training and support.

- 5.5 The staffing budget for the current JCU structure in 2016/17 is £1.2 million. Of this, the cost to the Council is approximately £513,000, to BCCG is approximately £544,000, and approximately £158,000 is funded through the Better Care Fund. The staff costs for the new structure will be between £913,000 and £1.1 million, depending upon the salary points at which each new post is filled. This reflects a gross reduction of between £160,000 and £301,000. These figures are based upon the 2016/17 Unified Reward pay scales and the 2016/17 Agenda for Change pay scales (for BCCG employees).

### **Legal and Constitutional References**

- 5.6 The law places a burden on an employer to effect organisational restructures fairly. In so doing, it requires that such proposals are subject to consultation with staff and with recognised trade unions for the requisite periods.
- 5.7 The Council's Constitution, Responsibility for Functions Part 15b, gives Chief Officers the power to deal with operational matters within the Chief Officer's sphere of managerial or professional responsibility. Chief Officers may use whatever means they consider appropriate to discharge the functions allocated to them, including engaging and deploying staff. The Council's Constitution, Responsibility for Functions Part 15b states that Chief Officers have the delegated power to exercise discretionary powers in relation to all staffing matters detailed within the Council's Human Resources Policies including the appointment, promotion and dismissal of permanent and temporary staff.
- 5.8 This is a decision that does not fall within the criteria requiring a decision by the General Functions Committee. These changes only have implications for the staffing and management under the control of the Adults and Health Commissioning Director.
- 5.9 The Council's Constitution requires the proposal to bring two Head of Service roles together in a single post at a more senior grade (Assistant Director) to be approved by the General Functions Committee. The proposal to create an Assistant Director post was approved by the Committee on 20 March 2017.

### **Risk Management**

- 5.10 Eight LBB employees have been placed at risk of redundancy. This presents a risk that a high proportion of JCU employees will be working their notice periods in the first quarter of 2017/18, which could have an adverse effect upon overall staff morale and motivation.

5.11 Any external recruitment will not begin until after the ring-fenced interview process has been completed. This internal interview process is scheduled to conclude by the end of April 2017. Most JCU staff have a two month notice period. It is likely that any new recruits from outside of the Council would need to serve a three month notice period before taking up their post. This presents a risk that there will be a large number of vacant posts in the first quarter of 2017/18, and also that there will be no opportunity for job handovers to be completed. The JCU work planning process for 2017/18 will need to reflect these capacity and continuity risks.

### **Equalities and Diversity**

5.12 The 2010 Equality Act outlines the provisions of the public sector equalities duty which requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act (2010).
- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups.

5.13 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services.

5.14 The new roles have had job descriptions produced and evaluated within normal HR practice.

5.15 The normal 30 day consultation with staff and trade unions has been undertaken.

5.16 An employee equality impact analysis was completed prior to the start of consultation. This identified a potential negative equality impact for staff aged 50-60, female staff and staff from black and minority ethnic groups. The equality impact analysis identified the actions that would be taken to mitigate these negative impacts. The employee equality impact analysis was reviewed at the end of the consultation period prior to publication of the Close of Staff Consultation Document.

5.17 An equality impact analysis for residents and service users was also completed. This identified no overall impact upon any of the equality strands.



## **6. BACKGROUND PAPERS**

- 6.1 On 20 March 2017 the General Functions Committee approved the creation of an Assistant Director post and the advertising of and recruitment to this post. <http://barnet.moderngov.co.uk/documents/s38679/Creation%20of%20Assistant%20Director%20post%20Adults%20Health%20Joint%20Commissioning%20Unit.pdf>

## **7. DECISION TAKER'S STATEMENT**

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

## **8. OFFICER'S DECISION**

**I authorise the following action**

**Signed**

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**Adults and Health Commissioning Director**

**Date**

**27 March 2017**

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