



RECORD OF DELEGATED DECISION (OFFICER)

CHANGE OF ESTABLISHMENT

1. Decision Reference No.	CEX387
2. Name/Title of Officer	Edd de Coverly Chief Executive
3. Email	edecoverly@melton.gov.uk
4. Title / Subject Matter:	Change of Establishment: Governance & Democracy – changes to staffing structure
5. Type of Decision:	Public
6. Key Decision?	No
7. Decision Taken:	<p>1. To approve the changes to the Governance & Democracy staffing establishment and structure as set out at para 8 below, ie</p> <ul style="list-style-type: none">(i) Delete one of the career graded Senior Lawyer posts (up to band 13) and create a new Legal Services Manager post (Band 14, subject to evaluation) to manage the legal service;(ii) To replace the Democratic Services Manager post and create a new Lawyer, Governance role, to provide specialist governance advice, manage the Democratic Services function and to act as Deputy Monitoring Officer.(iii) To amend the Admin Officer post from a .8 FTE to a full-time post to increase resilience and support for the Governance & Democracy Team;(iv) To delete the existing Information Governance Officer role (Band 8) and replace with a new part-time 0.6 fte Information Governance Lawyer Role (up to Band 11); <p>2. To agree to the additional cost of £4510.00 to be added to the Governance & Democracy staffing budget to fund the cost of the changes to the establishment.</p>
8. Reasons for Decision:	<p>Overview and rationale</p>

1. It is important that the Council is adequately resourced to deliver its corporate objectives, and that legal and governance services are aligned to enable the most efficient use of resources to support delivery of services.
2. The staffing structure within legal services has not been reviewed for some time and changes are required to ensure that the service can adequately support the Council's directorates and that the Council can attract and retain the best possible people to work in the legal team. There is a national and local challenge currently in attracting good quality lawyers into Local Government and therefore solutions are required which will provide additional resilience and expertise within the legal team.

Existing Structure and the need for change

3. The current structure comprises: -

Assistant Director for Governance & Democracy (Band 16 + DMO allowance)

Legal Services

2x Senior Lawyers (Career Graded Band 12 – 13) #

1 x Lawyer (Career Graded 10 – 11)

1 x Information Governance Officer (Band 8) #

0.8 x Admin Officer (Band 5) #

Democratic Services

Democratic Services Manager (Grade 11) #

Senior Democratic Services and Scrutiny Officer (Band 10)

2.2 x Democratic Services Officers (Band 6)

Electoral Services

0.6 Electoral Services Manager (Band 11)

1 x Elections Assistant (Band 6)

= Posts subject to change

Currently there is no designated manager within legal services to take management responsibility for the legal services team, and to assist the Assistant Director for Governance & Democracy in developing systems and processes for the legal service. For example, the team lacks any form of case management system and it is proposed that the new Legal Manager post would be responsible for introducing a case management system to enable the team to track and report on progress on cases, manage time and case volumes and to assist in automating processes where possible.

The current Democratic Services Manager is leaving the Council at the end of November and the post will therefore become vacant. However, the DSM is actually temporarily covering a temporary fixed term Senior Lawyer role within the Legal section, as well as managing the Democratic Services function and acting as Deputy Monitoring Officer (attracting an additional 4 increments). This has provided additional resilience within the Legal Services team and we would now like to formalise this within the structure by changing the role from a Democratic Services role into a Lawyer career graded post up to Band 11. It is hoped that this will assist the incoming Assistant Director for Governance & Democracy by providing a high level of governance support as well as being an attractive post for experienced governance lawyers looking to develop their management skills as it is envisaged that this post will not only manage the Democratic Services function but will also act as the Deputy

Monitoring Officer, attracting the additional 4 increment allowance for Deputy Monitoring officer duties.

The Information Governance Lead Officer role has been vacant for some time due to difficulty in recruiting to the post. The post is currently being covered on an interim basis on a 0.6 basis and this has enabled the Council to recruit an interim lawyer who has been able to introduce a new information governance framework for the Council and to review the Council's existing policies and processes including its retention policy, data sharing and freedom of information procedure. With the new framework in place it is considered that a good solution to the recruitment challenge will be to recruit someone on a three day a week basis at a Lawyer level, which will enable the Council to receive excellent professional advice and assistance to the Data Protection Officer at an appropriate level of expertise.

It is also proposed to increase the hours of the Administrative Support Officer from 0.8 to Full-Time. This is a busy section, supporting the lawyers, the democratic services function and electoral services as well as being responsible for the administration of FOI's within the Council. Increasing the hours for this post will help to ensure the smooth running of the teams in Governance & Democracy.

There are no other proposals to change any other posts within the Team. However there is a recognised shortage of good quality applicants for lawyer posts which has been demonstrated by the fact that the last two attempts to recruit candidates at Senior Lawyer and Lawyer level have proved unsuccessful. We are therefore taking steps to consider how best to attract candidates to these roles, including the use of an agency to engage with candidates not actively seeking a change of position, as regular advertising for Lawyers has proved unsuccessful.

4. Proposed changes to the establishment

The proposed new structure will therefore comprise: -

Assistant Director for Governance & Democracy (Band 16 + MO allowance)

Legal Services

1 x Legal Services Manager (Band 14, subject to evaluation)

1 x Senior Lawyer – Property (Band 12/13)

1 x Lawyer, Governance (Band 10/11 + 4 increments DMO allowance)

1 x Lawyer, Litigation (Band 10/11)

0.6 Lawyer, Information Governance (Band 10/11)

1 x Admin Officer (Band 5)

Democratic Services

Senior Democratic Services and Scrutiny Officer (Band 10)

2.2 x Democratic Services Officers (Band 6)

1 x Executive Officer

Electoral Services

0.6 Electoral Services Manager (Band 11)

1 x Elections Assistant (Band 6)

9. Authority / Legal Power:

The Constitution at Chapter 2, Part 4, Section 12.3 (11) provides the Chief Executive with a delegation to determine all staffing matters. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), the appointment, dismissal, suspension or discipline of staff except for Chief Officer restrictions contained within the Officer Employment Procedure Rules. For the avoidance of doubt this power includes secondments and temporary appointments of any staff. In each case there must be adequate budgetary provision or in each case the gross cost per decision shall not exceed £5,000 per annum when implemented and the total cost in any financial year shall not exceed the sum of £20,000.

10. Background Papers attached?

No

11. Alternative options available / rejected:

1. Keep the existing structure – however this has proved not fit for purpose and we have been unable to attract suitable candidates to the roles. The proposed structure builds in additional resilience, professional management and expertise into the structure.
2. Use agency staff – this has been discounted as too expensive long term.
3. Outsource the legal work to an external legal services provider – this has been discounted as too expensive and poor value for money.

12. Implications:

Legal	<p>The Chief Executive has delegation to determine all staffing matters. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), the appointment, dismissal, suspension or discipline of staff except for Chief Officer restrictions contained within the Officer Employment Procedure Rules. For the avoidance of doubt this power includes secondments and temporary appointments of any staff. In each case there must be adequate budgetary provision or in each case the gross cost per decision shall not exceed £5,000 per annum when implemented and the total cost in any financial year shall not exceed the sum of £20,000.</p> <p>[Legal Approval –22 November 2023]</p>
Finance	<ol style="list-style-type: none">1. The current staffing costs for the affected posts amounts to £415,420 including on costs.2. The cost of the new posts within the proposed new structure amounts to £419,930.00 including on costs, representing an additional cost of £4510.00.3. The post of Legal Manager is subject to evaluation and is budgeted at the maximum level possible so may be subject to change which would result in a reduced total cost. <p>[Finance Approval – 2 November 2023]</p>

HR	<p>The proposed new structure takes into consideration the current vacancies in the team therefore there are no persons at risk of redundancy as a result of the changes. New posts will be recruited to in line with current policies and procedures.</p> <p>[HR and consultation Approval – 13 November 2023]</p>
13. Signature of Decision Maker with authority to sign	<p>Email approval received Edd de Coverly Chief Executive</p>
14. Consultation with:	<p>Not applicable</p>
15. Date:	<p>22 November 2023</p>

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