

DECISION-MAKER:	CHIEF OFFICER EMPLOYMENT PANEL
SUBJECT:	APPOINTMENT OF INTERIM DIRECTOR OF ADULT AND SOCIAL CARE AND STATUTORY DIRECTOR OF ADULT SOCIAL SERVICES (DASS)
DATE OF DECISION:	22 MARCH 2012
REPORT OF:	CHIEF EXECUTIVE
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

To agree the joint working arrangements with Portsmouth City Council in respect of an interim appointment of the Director of Adult Social Care and statutory role of Director of Adult Social Services.

RECOMMENDATIONS:

- (i) that the Job Description and Person Specification for the Director of Adult Social Care and DASS as attached at appendix 1 be agreed;
- (ii) that the current Director of Social Services at Portsmouth City Council, Margaret Geary, be appointed as interim Director and DASS for an initial period of 6 months from 1st April 2012 and that the Chief Executive be delegated to extend this period until April 2013 if these interim arrangements demonstrate satisfactory progress;
- (iii) that the Head of Legal, HR and Democratic Services be delegated authority to enter into both an agreement under S.113 Local Government Act 1972 and such other agreements as are necessary and appropriate to give effect to this arrangement.

REASONS FOR REPORT RECOMMENDATIONS

1. It is a statutory requirement under the Social Services Act 1970 for each unitary authority to appoint a Director of Social Services. In light of the forthcoming retirement of the current Director an interim arrangement needs to be put in place by 1st April 2012. Negotiating have taken place with Portsmouth City Council to share the role on an interim basis.

DETAIL (Including consultation carried out)

2. The national Health and Social Services Reforms progressing towards full implementation by April 2013, present some significant challenges for Local Government. In Southampton, these challenges include:
 - Preparing new approaches to address the introduction of personalised budgets for residents receiving care packages.
 - Preparing for future growth in demand for adult social care services, set to rise faster than projected rises in budgets.
 - Planning for new working arrangements with Southampton's

developing Clinical Commissioning Group.

- Planning for new partnership working with Health providers who will require Foundation Trust status by April 2013.
- Integrating Public Health by April 2013
- Introducing an effective Health and Well-Being Board.

(i) The reform of the National Health Service has reached a crucial mid-way point, with Southampton's local Primary Care Trust (PCT) being replaced by an interim 'cluster' arrangement for south Hampshire (SHIP cluster). These changes have seen many of the Southampton-experienced PCT senior management leaving the region, and the influx of other NHS senior managers from the wider southern region.

(ii) The emergence of Southampton's Clinical Commissioning Group (CCG), a requirement of national government policy, is entering its final year of shadow development in order to become a fully capable commissioning group of local General Practitioners by April 2013.

3. There is much that potentially links the Health and Social Care agendas, including commissioning and service delivery. Southampton City Council has embarked on an assessment of the opportunity to integrate commissioning across all its social services and health. The potential benefits of this approach are to seek to optimise the buying-power of commissioned services, and to reduce their complexity, duplication and delivery costs.
4. Southampton City Council (SCC) and Portsmouth City Council (PCC) have much in common in responding to the Health and Adult Social Care challenges (and opportunities) presented by these reforms; throughout recent developments our two councils have continued to work closely and build upon a positive relationship.
5. In late 2010, SCC and PCC established a 'Memorandum of Understanding' which identified a common, mutual desire to identify and develop appropriate opportunities for joint working. This potential has been developed recently, to bring forward the current proposal for a shared Director of Adult Social Care for an interim period no longer than April 2013, commencing with an initial 6 month period.

PROPOSAL

6. The current Director, Health and Adult Social Care, Penny Furness-Smith retires on 31st March 2012. Her decision to retire at that point presents a number of options for SCC other than the conventional approach of recruiting a permanent replacement. In the current rapidly developing environment of Health and Adult Social Care, it is felt that recruiting a permanent Director would be inappropriate at this time given the prospect of potentially significant changes to the very structure of joint services with Health within the next 12 – 18 months. It is felt that the following options would be preferable in this current situation:

- Recruit an interim Director from the wider market.
 - Establish a shared arrangement for a Director with PCC
7. Consideration of these options of course depended on PCC's response to the possibility of establishing an interim shared Director post: PCC received this initial proposal very positively and discussions have advanced at Chief Executive and Director level to the current position where, subject to the Chief Officer Employment Panel's decision, Portsmouth City Council's Director for Adult Social Care, Margaret Geary, is ready and positively disposed to commencing in this interim position from 31st March 2012.
 8. It is believed that this arrangement is significantly preferable to securing an interim Director from the wider market as whilst we are confident that this latter approach would secure an appropriately qualified individual as a qualified Director of Adult Social Services (DASS), it is unlikely that such an interim individual would have any recent (if any at all) experience of Southampton and the region, nor of current developments – at a point where local and regional knowledge is important. Further, the cost of securing an interim in post full-time would exceed our available budget for the post, and would result in either an estimated 3 or 4-day per week interim being secured – or an unplanned increase in budget. However the principle benefit of this proposal to appoint the interim shared Director, Health Adult Social Care, would be having a DASS who is experienced at a local and regional level, one who has worked not only with Southampton City Council as a colleague in Adult Social Care for many years but one who is also closely acquainted with senior Health 'cluster' colleagues and with Southampton City Council's main aims and opportunities in developing a future approach to joint working with Health. Further, the appointment of the Portsmouth City Council DASS as the shared interim Director is supported by colleagues in Health as an appropriate step in the current circumstances.
 9. Should this proposal be adopted by the Chief Officer Employment Panel, the appointment will commence from the date of Penny Furness-Smith's retirement. In the intervening weeks, the opportunity will be taken for a very full handover period, to ensure that Margaret is fully-informed across the Directorate's accountabilities.
 10. The aim during the 12 months through to April 2013 will be to identify the most appropriate option for future HASC service delivery, considering a number of appropriate options. One of those options will be of a merged directorate of Children's and Adults' Services. This was envisaged as the most appropriate option in March 2011, with the anticipated establishment of a Families and Communities directorate under a single director from April 2012. The decision was taken not to implement this option 2011 as the major agenda of change in the reforms to Health, Adult Social Care and Public Health requirement stability and management, and to allow some time to explore other potential options for joint-working with Health and other Local Authorities. Those potential options emerged in late 2011/12 and the decision

was therefore taken to fully consider all appropriate future options in the light of these new developments, before planning changes to existing arrangements. The shared Director HASC will lead on the evaluation of the most appropriate option for Southampton City Council.

11. Operational management will continue as before within HASC; the interim Director HASC will provide a clear management reporting line, and represent the statutory position of DASS. The Director will join the Management Board of Directors, and the Leadership Group. As a shared post, the Director will operate on '5-day fortnights' in terms of anticipated location and focus on the role.
12. This report sets out the developments that have been made in respect of exploration of joint working arrangements between Southampton City Council and the Isle of Wight Council in line with the Leader's and Chief Executive's statements of 13th September 2011, and subsequent Cabinet report of 24th October 2011. The 13th September statements to the media and to staff, made clear that :
"against a backdrop of unprecedented financial challenges, our two authorities are exploring genuine opportunities for joint working".
13. As a result of progress in discussions between the two authorities, it is proposed that a joint Director of Environment post be established from April 2012, by entering into a formal agreement between both Councils with appropriate break clauses. At the end of these periods, both Councils will review the position and will determine either to continue the role as permanent, or to revert to individual, separate roles. A request is now made for authorisation to recruit to the shared post and to establish for this purpose a joint politically proportionate employment sub committee in the form of a Chief Officer's Employment Panel (COEP).

RESOURCE IMPLICATIONS

Capital/Revenue

14. This interim arrangement is not driven by immediate a financial objective, however the appointment will be at a total lower cost than currently budgeted

Property/Other

15. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

16. Under section 113 of the Local Government Act 1972, provision is made for a council to enter into an agreement with another local authority for the placing at the disposal of the latter for the purpose of their functions on such terms as may be provided by the agreement, of the services of officers employed by the former and subject to due consultation with any officers affected by such a proposal. The 'disposal' is by way of a secondment agreement which means that Portsmouth City Council remains the employer but allows for the appointed individual to act as an officer for Southampton City Council.
17. In accordance with the requirements of section 113 of the Local Government

Act 1972 and more widely within employment law, it is necessary to have undertaken due consultation with any affected staff prior to such an arrangement being established as well as to pay due regard to the employment rights with regards to eligibility to any such new post by way of a ring-fenced arrangement in respect of any appointment arrangements.

Other Legal Implications:

- 18. The agreement setting out the secondment arrangements will likely include arrangements for the appointment, terms of service, performance management and operational requirements of the authorities in relation to this appointment.

POLICY FRAMEWORK IMPLICATIONS

- 19. None.

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members’ Rooms and can be accessed on-line

Appendices

1.	Draft Job Description and Person Specification
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Documents In Members’ Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	None
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