

THE CHAIR AND ALL MEMBERS OF THE COUNCIL

Tuesday 9 November 2021

Dear Member

EXTRAORDINARY COUNCIL MEETING - WEDNESDAY 17TH NOVEMBER, 2021

You are hereby summoned to attend an Extraordinary meeting of the Council of the Borough of Middlesbrough to be held on **Wednesday 17th November, 2021** at **7.00 pm** in the Council Chamber to transact the following business, namely:-

1. Apologies for Absence
2. Declarations of Interest

To receive any declarations of interest.

3. Senior Management Arrangements

3 - 18

The purpose of the meeting is to consider the report in relation to the Senior Management Arrangements.



Charlotte Benjamin,
Director of Legal and Governance Services

PLEASE NOTE THERE IS RESTRICTED
DISABLED ACCESS TO THE COUNCIL CHAMBER

Documents referred to on this Summons may be downloaded from the Council's Website.

Should you have any queries in regard to the items on this agenda please contact Bernie Carr, Democratic Services on (Direct Line 01642 729714 or e-mail on: bernie_carr@middlesbrough.gov.uk).

Address: Democratic Services, Middlesbrough Council, Town Hall, Middlesbrough TS1 9FX

Website: www.middlesbrough.gov.uk

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services (Monitoring Officer); Director of Finance (Chief Finance Officer)
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Submitted to:	Council, 17 November 2021
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Subject:	Senior management arrangements
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Summary

Proposed decision(s)

1. That Council considers whether it wishes to change the organisation’s senior management arrangements.
2. That if Council wishes to change these arrangements, that it then confirms its preferred model.
3. That in the event of Council determining it wishes to change the senior management arrangements and noting the willingness of the Chief Executive to agree to voluntary redundancy, in that instance Council approves the redundancy of the current Chief Executive.
4. That in the event of the redundancy of the current Chief Executive, the Strategic Director of Adult Social Care and Health Integration is designated interim Head of Paid Service and the Director of Legal and Governance Services is designated interim Returning Officer and interim Electoral Registration Officer.
5. That if Council supports a change in senior management arrangements and designates an interim Head of Paid Service, the interim Head of Paid Service shall provide a report to Council no later than three months from their designation (the date of this report) setting out in detail the proposed senior management arrangements, including any constitutional changes required as determined by the Monitoring Officer.
6. That in the event of a decision to change the senior management arrangements, Council notes the potential budget saving achieved.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Not applicable	No	Not applicable

Contribution to delivery of the 2021-24 Strategic Plan

People	Place	Business
The senior management team is critical to the delivery of the Council’s Strategic Plan. Any changes should therefore ensure that the capacity and capability of the team to deliver strategic objectives and good governance is achieved.		

Ward(s) affected
The recommendations of the report have no direct impact on wards.

What is the purpose of this report?

1. This report asks Council to consider whether it wishes to change the organisation's senior management arrangements, specifically in relation to the post of Chief Executive.
2. If Council does wish to change these arrangements, it is then asked to confirm its preferred model.
3. In the event of any decision to change and to move to an alternative model without a Chief Executive, Council will be required by law to approve the voluntary redundancy of the Chief Executive and to re-designate the statutory roles of Head of Paid Service, Returning Officer and Electoral Registration Officer.

Why does this report require a member decision?

4. Under the Local Government Act 1972, full Council has the power to determine that a senior management review should take place, and ultimately to determine any changes flowing from that review.

Report Background

5. In collaboration with the Local Government Association (LGA), the Elected Mayor of Middlesbrough and the Council's Chief Executive have recently entered into discussions about potential changes to the Council's senior management team, specifically as to whether the Council should move away from a structure containing a Chief Executive to an alternative model. This report reflects those discussions and is written to be presented to Council at the request of the Elected Mayor, since it is the role of full Council in law to determine the arrangements that are the best fit for Middlesbrough.
6. A change to the senior management structure could provide both savings and a model that Council feels better aligns with the directly-elected Mayor and Executive model of governance. Typically a report on senior management arrangements would be brought by the Chief Executive as the Head of Paid Service. However, in view of the potential for conflicts of interest, both the Elected Mayor and the Chief Executive have agreed that this report would be developed by the Director of Legal and Governance Services and the Director of Finance in their respective statutory roles of Monitoring Officer and Chief Finance Officer.
7. If the Council confirms that it wishes to change the current senior management arrangements, then members must note that the role of the Chief Executive is potentially redundant.
8. The Chief Executive has confirmed that he would accept such an outcome, by way of voluntary redundancy, avoiding the need for a protracted compulsory redundancy process. As the Head of Paid Service role is currently designated to the Chief

Executive, in the event of the Chief Executive's voluntary redundancy, the Council would have to re-designate this role to another chief officer.

9. In such circumstances, it would be appropriate to ring-fence this designation to the next most senior members of the management team i.e. those at Executive and Strategic Director level. Following discussions, one post holder at this level has expressed an interest in undertaking this role – the Strategic Director of Adult Social Care and Health Integration.
10. Therefore, if Council confirms that it wishes to change the current senior management arrangements and the Chief Executive is made voluntarily redundant, it is proposed that Council designates the Strategic Director of Adult Social Care and Health Integration as interim Head of Paid Service for three months from the date of this report.
11. During this period, the Director of Adult Social Care and Health Integration will manage those officers currently managed by the Chief Executive and fulfil all functions allocated to the Head of Paid Service / Chief Executive within the Council's Constitution.
12. As a single exception to the above, it is also proposed in these circumstances that the Director of Legal and Governance Services is designated as interim Returning Officer and interim Electoral Registration Officer, being the most appropriate officer on the senior management team to undertake these roles as the organisation of elections sits within the remit of this post.

Chief Executive and Head of Paid Service

13. This section of the report explains the role of Head of Paid Service and how this is distinct from the post of Chief Executive.
14. The Head of Paid Service is a statutory officer role which every local authority is required to have as provided for by Section 4 of the Local Government and Housing Act 1989. The Head of Paid Service works closely with the other the statutory roles of Chief Finance (Section 151) Officer and Monitoring Officer in delivering good governance for the authority. The Head of Paid Service role cannot be undertaken by a political office holder.
15. The duties of the Head of Paid Service as set out in the legislation are brief, being the role of decision maker in posts below deputy chief officer, the principal adviser on staffing matters to the Council and the responsibility for considering whether they should issue a formal ('Section 4') report to Council on their proposals as to:
 - the manner in which the discharge by the authority of their different functions is co-ordinated;
 - the number and grades of staff required by the authority for the discharge of their functions;
 - the organisation of the authority's staff;
 - the appointment and proper management of the authority's staff.
16. Regulations made under the Local Government Act 2000 reinforced these duties by making the appointment of staff below deputy chief officer level the exclusive function of the Head of Paid Service or their nominee.

17. In practice, the Head of Paid Service role can be broadly interpreted as the responsibility for establishing and overseeing an organisation that can deliver the aims of the political leadership and the statutory duties and responsibilities of local authorities, including the overarching duty of best value. Section 4 reports are rarely issued, but the power in effect underpins all restructuring reports below management team level.
18. Where a Chief Executive post exists within a local authority it will in practice always carry the Head of Paid Service designation because the role is seen to sit with the 'leader' of the officer group. However, the Chief Executive and Head of Paid Service are not one and the same. Chief Executives invariably undertake a range of other responsibilities in addition to the Head of Paid Services role, as required by the employing authority.
19. It is therefore possible for an authority not to employ a standalone Chief Executive and implement another model in which another Director is designated Head of Paid Service either as part of a standalone post or in addition to their substantive post.
20. Some local authorities have done this (including Redcar and Cleveland Borough Council), largely as a cost saving measure but also the desire to achieve a better cultural fit has been a significant feature when making the decision. A council considering such a change must be satisfied that the change lends itself to the needs of the council in terms of the fit with the political model and its strategic priorities.
21. Whilst the Chief Executive model is still the most prevalent model by default, a move to an alternative model could be seen to support a modernising, values-based and collaborative approach to leadership with particular relevance alongside an elected mayor with an individual mandate. The removal of a Chief Executive post could present the opportunity for more fluid dialogue and collaboration between a Mayor and Executive and the senior officer group.
22. In some cases in other authorities these changes have endured, in others authorities have subsequently reverted to the Chief Executive model for a variety of reasons. In order to be both effective and sustainable, the model adopted has been aligned to the local context, clearly thought through, properly supported and monitored for its effectiveness.

Current arrangements within the Council

23. The Council has operated with a standalone Chief Executive since its inception. The Chief Executive is Head of Paid Service and:
- acts as principal adviser to the Elected Mayor, Executive and Council;
 - works closely with them in setting the strategic direction for the Council;
 - represents the Council on some external bodies; and
 - line-manages other Directors and chairs the senior management team.
24. The benefits and risks of this model are summarised below:

Benefits	Risks
<ul style="list-style-type: none"> • Clear and visible leadership of the Council as an organisation to council staff. • Clear accountability, particularly for regulators. • Clear responsibility for the performance management of Directors. • Single point of interface with the Mayor, Executive and all members for strategic and urgent issues. • Arbiter / final decision-maker at officer level is clear. 	<ul style="list-style-type: none"> • Concentration of power at officer level in one individual leading to risk of being single point of failure • Overlap with senior politicians – particularly in the Elected Mayor model. • Overlap with other members of management team if roles are not clearly defined. • Overly hierarchical / command and control model; too many layers of communication. • Hierarchical structure stifles transformation to a values-based approach to leadership because of over-reliance on character and impact of one leader.

25. There are advantages to this model in terms of providing strong organisational leadership and a single point of accountability (i.e. it is clear to employees, partners, regulators and other stakeholders exactly who is 'in charge' at officer level), and it could be argued that the model is both ingrained within the culture of the Council and has served it well, particularly in challenging times.

26. However, the model does have a number of risks.

- The post of Chief Executive is symbolic of a traditional model of management, which in its most extreme 'command and control' form i.e. in which nothing happens on big ticket items until the go-ahead from the Chief Executive is given – could result in the post becoming a single point of failure.
- There can be overlap with senior politicians, particularly if the post of Chief Executive has historically had a high public profile and / or there is a high profile political leader. This can particularly be the case in the Elected Mayor model of governance, in which the Mayor is intended to be the public face of the Council.
- There can also be overlap between the role of Chief Executive and that of Directors, potentially exacerbated within this Council by the asymmetrical structure of Executive, Strategic and Operational Directors, leading the Chief Executive to in effect fulfil the role of Executive and / or Strategic Director those Directorates where these have previously been deleted (e.g. Growth and Place, Transformation) or do not exist.

27. Members may also consider that some of the potential risks highlighted could be addressed without the need for structural changes e.g. through changes to the Constitution or clearer role definition.

28. But there is an argument that moving to an alternative model for senior management would better align with the directly-elected Mayor model of governance, and allow the Council to move to a more collaborative and adaptive modern management style.

Reviewing current arrangements

29. The Local Government Association advises that when reviewing senior management arrangements local authorities must:

- not replicate the status quo but consider the need for and design of *all* current posts (i.e. it must look at the impact and potential need for change in all Chief Officer posts and potentially the level below this);
- consider the local context and do not reorganise significantly if there is significant uncertainty; and
- if there is a view that no external recruitment is needed as part of the change, ensure that all roles created are mapped to the competencies of existing staff.

30. These factors should also be taken into account by Council in determining whether a change in senior management arrangements is approved.

31. If Council determines that it wishes to change the senior management model, then the section below sets out the main alternative models available to local authorities with specific comment where appropriate on current arrangements within the Council.

Potential alternative models

32. All alternative models require an officer other than the Chief Executive being designated Head of Paid Service. For clarity, members should note the following:

- The Monitoring Officer cannot also be Head of Paid Service – if the current postholder was to become Head of Paid Service another officer would need to be designated Monitoring Officer.
- Other statutory roles can be designated as Head of Paid Service in addition to their existing role (either temporarily or permanently), but it may be that, in the interests of good governance, the existing statutory role may be designated to another officer in order to avoid conflicts of interest and ensure that the proper checks and balances are in place.

Chief Operating Officer

33. In this model a stand-alone post of Chief Operating Officer is created and designated as Head of Paid Service. Such a post is often given other titles, including Managing Director, and could be created in a number of ways, including downgrading the Chief Executive post, deleting the Chief Executive post and recruiting a Chief Operating Officer (internally or externally) or merging the post of Chief Executive with another chief officer post which would necessitate a reallocation of their existing portfolio.

34. The Chief Operating Officer would manage other directors as appropriate but would differ from the role of Chief Executive in focusing to a larger degree on delivery and joined-up working across Directorates. Senior elected members would take on more strategic and ambassadorial responsibilities, perhaps creating a clearer distinction than under the current Chief Executive model.

35. The benefits and risks of this model are summarised below:

Benefits	Risks
<ul style="list-style-type: none"> • Retains some benefits of the Chief Executive model in terms of clear leadership, accountability and responsibility. • Greater clarity of roles between elected members and senior officers – can allow senior members to take lead on outward-facing strategy and more ambassadorial roles. • Potential to improve information flow between portfolio holders and chief officers through closer working arrangements. • Opportunity for more collegiate working and greater empowerment at senior officer level. • Avoids increased silo working likely in looser models such as Head of Paid Service model because the main focus of the Chief Operating Officer is leading and co-ordination. • Releases some financial savings of Chief Executive post. 	<ul style="list-style-type: none"> • Adopting a model with a leader having lesser reach and authority places more reliance on politicians in the effective delivery of strategy and maintaining of partnerships whilst maintaining the required split between roles and responsibilities of officers and members. • Potential disconnect between strategy and operations if COO role becomes too internally-focused. • In some iterations, can reduce the capacity of the management team through the deletion of one post. • Existing senior politicians and / or directors may not have the capacity or capability to deliver the model.

36. This model can suit authorities with proactive elected leaders, and has been implemented at Leicester City Council where there is a directly-elected mayor.

37. This may be considered a viable model for the Council, but consideration would need to be given as to how the Council can mitigate the risks highlighted. It should be noted that this model and the Head of Paid Service model outlined below would still involve all three statutory officers responsible for promoting good governance (Head of Paid Service, Chief Finance Officer and Monitoring Officer) sitting around the senior management team table and therefore being sighted on all significant strategic and operational issues facing the council. This is a significant strength of the organisation compared to previous iterations of the senior management structure.

Existing Director being designated Head of Paid Service

38. In this model, the post of Chief Executive is deleted and one of the existing directors is designated as Head of Paid Service in addition to their substantive post, or this role is rotated between two or more directors on an agreed basis.

39. The Director with the Head of Paid Service designation would chair the management team and could either manage all other directors or manage some and have a coordinating role for all, as appropriate. To be successful, the model requires a much more collaborative way of working between members and officers, and between officers themselves.

40. The benefits and risks of this model are summarised below:

Benefits	Risks
<ul style="list-style-type: none"> • Greater clarity of roles between elected members and senior officers – can allow senior members to take lead on outward-facing strategy and more ambassadorial roles. • Potential to improve information flow between portfolio holders and chief officers through closer working arrangements. • Opportunity for more collegiate working and greater empowerment at officer level through flatter structure. • Releases the most financial savings from Chief Executive post. • Provides stability and continuity to organisation as an existing member of the senior leadership takes on a greater internal leadership role, building on existing relationships within the team. • Gives confidence to staff in transition in leadership arrangements because of existing visibility of new leader who has proven commitment to organisation and understands culture, rather than outside appointment who requires period of adjustment. 	<ul style="list-style-type: none"> • Adopting a model with a leader having lesser reach and authority places more reliance on politicians in the effective delivery of strategy and maintaining of partnerships whilst maintaining the required split between roles and responsibilities of officers and members. • Post will not be a standalone leadership post and could lack visibility and potentially authority. • Risk of silo working within the management team. • Requires consideration as to arrangements to hold Head of Paid Service to account for delivery of their own portfolio. • Reduces the capacity of the management team through the deletion of one post if the opportunity for a wider review of roles is not taken.

41. The Local Government Association has provided a number of examples of this model being used, including Norfolk County Council. Again, this may be considered a viable model for this Council, but consideration would need to be given as to how the Council can avoid the risks highlighted.

What decisions are being asked for?

42. That Council considers whether it wishes to change the organisation's senior management arrangements.

43. That if Council wishes to change these arrangements, that it then confirms its preferred model.

44. That in the event of Council determining it wishes to change the senior management arrangements and noting the willingness of the Chief Executive to agree to voluntary redundancy, in that instance Council approves the redundancy of the current Chief Executive.

45. That in the event of the redundancy of the current Chief Executive, the Strategic Director of Adult Social Care and Health Integration is designated interim Head of Paid Service and the Director of Legal and Governance Services is designated interim Returning Officer and interim Electoral Registration Officer.

46. That if Council supports a change in senior management arrangements and designates an interim Head of Paid Service, the interim Head of Paid Service shall provide a report to Council no later than three months from their designation (the date of this report) setting out in detail the proposed senior management arrangements, including any constitutional changes required as determined by the Monitoring Officer.

47. That in the event of a decision to change the senior management arrangements, Council notes the potential budget saving achieved.

Why is this being recommended?

48. To comply with legal requirements concerning senior management arrangements, the designation of statutory functions and a voluntary redundancy of a Head of Paid Service.

Other potential decisions and why these have not been recommended

49. All options set out within the main body of the report are potentially feasible options for heading up the Council's management team.

50. A further potential model is that of a shared Chief Executive or Chief Operating Officer and / or management team. This model has been adopted by some local authorities, typically adjoining, in order to create savings and to exploit opportunities for joint working and efficiencies, though the model also presents a number of risks. However, as the Council has no agreement in place for such an arrangement, this is not presented as a feasible option at this time.

Impact(s) of recommended decision(s)

Legal

51. In developing this report advice has been sought from the Local Government Association and this advice is reflected within this report. The Council has also consulted with its auditor, Ernst Young, and its comments are also reflected.

52. All options set out within the report are lawful and feasible options for a senior management team. It is for Council to debate and determine which is most appropriate for this authority, given local circumstances.

53. For the avoidance of doubt, any references in the Constitution to the Head of Paid Service and Chief Executive will apply to the Head of Paid Service role in the event of the re-designation of the Head of Paid Service function until these responsibilities are formally reviewed and any proposed changes brought forward.

54. There is currently no cap on local authority exit payments. It is understood that the government continues to work on the preparation of proposals for changes to legislation. There are no detailed proposals and or timeline for implementation at this time.

55. The Representation of the People Act 1983 requires the Council to appoint an officer to be Returning Officer for its own elections and for those of any parishes within its district and also to appoint an Electoral Registration Officer. The Electoral Registration Officer discharges the functions of the Acting Returning Officer at a UK Parliamentary Election. The Returning Officer's responsibilities are of a personal nature, distinct from their duties as an employee of the Council. Both of these roles are currently assigned to the Chief Executive.

Financial

56. There are no financial implications from Council deciding not to review the current senior management arrangements.
57. If the Council confirms that it wishes to change these arrangements, then as previously stated, the role of the Chief Executive is potentially redundant. Any redundancy would, of course, contractually require a severance payment. Whilst this would not normally be a matter of public record until the accounts are produced, in the interests of openness and transparency the financial details are set out in full in this report.
58. Such a redundancy would be compulsory, however the Chief Executive has indicated that he would be willing to leave voluntarily, negating the need for the protracted compulsory redundancy process. The costs for both options are set out below and would be funded from the Council's Change Fund, which is typically used for exit payments. All costs are contractual entitlements or in line with Council policy in the case of voluntary redundancy (an enhancement of 25%). The Council incurs employer National Insurance costs (at 13.8%) on redundancy payments over £30,000 – these are stated separately and would not represent a direct payment to the Chief Executive.
59. As a member of the Local Government Pension Scheme, the Chief Executive makes pension contributions in accordance with the regulations and these are currently 12.5% of his salary. Local Government Pension Scheme regulations require that an employee over the required age and with sufficient service who is made redundant will receive the early payment of their pension. The cost of the early payment of the pension falls to the Council and is estimated to be £420,000, this is a contractual requirement. This sum would be reimbursed directly into the Teesside Pension Fund; it would not be a direct payment to the Chief Executive.

Element of payment	Voluntary redundancy	Compulsory redundancy
Redundancy cost	£98,822	£79,058
Employers NI costs	£9,497	£6,770
Pension cost	£420,000	£420,000
Consultation and notice	£0	£53,314 *
Total	£528,319	£559,142

* The Chief Executive is contractually-entitled to a 12-week notice period.

60. The cost of the Chief Executive's post (salary plus on-costs) is currently £190,083 per annum. The Council could save a proportion of this cost if the Chief Executive post were to be deleted and an alternative model implemented.
61. For the purposes of this report, the potential savings and associated payback periods for the main alternative options set out in this report have been estimated using a number of assumptions (e.g. the likely salary for a Chief Operating Officer and the additional amount the Council would pay an existing Director to act as Head of Paid Service in addition to their existing duties) compared with the voluntary cost of the Chief Executive's exit.

Model	Costs	Saving p.a.	Payback
COO – downgrade CEO	£0*	£24,467	n/a
COO – delete CEO post and hire new	£528,319	£24,467	21.59 years
COO – merge CEO and a Director post	£528,320	£187,368**	2.82 years
Delete CEO post and designate existing Director HoPS	£528,320	£196,437**	2.69 years

* Whilst the cost of changing the grade is £0 if the Chief Executive did not accept this as a reasonable alternative then redundancy and pension costs would apply as well as costs associated with the consultation process (£559.142).

** In these options a potential saving would also be available from a reduction of one Business Support Officer (PA) post, due to the reduction in the overall size of the Leadership Management Team.

62. The above suggests that designating an existing Director as Head of Paid Service would deliver the greatest ongoing saving. However, in making its decision, Council will need to consider this information alongside the non-financial benefits and risk of each model as set out earlier in this report in order to determine which option presents best value.

63. No savings arising from any of the above options have been assumed in the Council's current Medium Term Financial Plan (presented to Executive on 9 November 2021 and Council on 24 November 2021), and therefore savings arising from any senior management restructure will provide additional funding to the Council, which potentially could be used for investment in services. Budget preparation work for the 2022/23 budget has identified no other budget savings that could be delivered without making cuts to service provision for Middlesbrough residents.

Policy framework

64. This report does not seek to vary the Council's policy framework.

Equality and diversity

65. The proposed decisions have been subject to Level 1 (screening) equality impact assessments (at Appendix 1). This identified no concerns that the proposed decisions would have a disproportionate adverse impact on any individual directly connected with these proposals with characteristics protected in national legislation.

66. Should Council determine that a senior management review is undertaken, then the proposed revised management team structure (and future line management arrangements for other employees that currently report to the Chief Executive) to be determined by the Interim Head of Paid Service will be separately impact-assessed and the findings reported alongside the follow-up report to be provided to Council within three months of the date of this report.

Risk

67. As highlighted throughout the report, any potential change to the management team and in particular the role of Head of Paid Service, touches on risk O8-054 in the Council's Strategic Risk Register – *Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement*. Such issues will be a key consideration in any senior management review

and any mitigations required e.g. revisions to the Constitution and Member / Officer Protocol will be reported back to Council alongside the outcome of any review.

Actions to be taken to implement the decision

68. In the event of Council deciding to change the current senior management arrangements and adopt a new model, the changes set out within the report will be implemented as determined by the model of choice. Council will receive a further report within three months from the Interim Head of Paid Service, setting out in detail the proposed future senior management arrangements, including any constitutional changes required as determined by the Monitoring Officer.

Appendices

1 Impact Assessment

Background papers

None.

Contact: Charlotte Benjamin, Director of Legal and Governance Services
 Ian Wright, Director of Finance

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 ian_wright@middlesbrough.gov.uk

Appendix 1: Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Senior management arrangements			
Coverage:	Overarching / crosscutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Function
	<input checked="" type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input checked="" type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<p>Key aims, objectives and activities</p> <p>The report seeks a view from Council on whether it wishes to review senior management arrangements. If Council wishes to do so, then a number of other decisions are entailed, including the voluntary redundancy of the current Chief Executive, the selection of a preferred alternative senior management model, and the a senior management review led by an interim Head of Paid Service to propose a management team structure to Council in line with the proposed model and all associated changes within three months. This document assesses the impact of the voluntary redundancy of the Chief Executive and the designation of interim roles.</p> <p>Statutory drivers</p> <p>The following legislation is relevant to the report includes: Local Government Act 1972; Representation of the People Act 1983; Local Government and Housing Act 1989; Local Government Act 1999; Equality Act 2010.</p> <p>Differences from any previous approach</p> <p>A potential outcome from the report is that Council deletes the post of Chief Executive and instigates a senior management review that will lead an alternative model for the senior management team being introduced (to be impact-assessed separately), namely either Chief Operating Officer or an existing Director being designated as Head of Paid Service in addition to their substantive role.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate)</p> <p>The Elected Mayor of Middlesbrough and the Executive; all other elected members; the Chief Executive and senior management team; all other employees of the Council; local communities and businesses; auditors and regulators; partners.</p> <p>Intended outcomes</p> <p>To ensure that the Council’s senior management team is structured in line with Council’s preference and that it has the capacity and capability to both deliver strategic objectives and achieve good governance.</p>			

Live date:	Following approval by Council on 17 November 2021.			
Lifespan:	Three months.			
Date of next review:	Not applicable.			
Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	☒	☐	☐	No. None of the proposed decisions would contravene Human Rights as identified in national legislation. Evidence used to inform this decision includes advice received by the Council and the views of management team.

<p>Equality</p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?</p>	<p style="text-align: center;">☒</p>	<p style="text-align: center;">☐</p>	<p style="text-align: center;">☐</p>	<p>The Public Sector Equality Duty (PSED) requires that when exercising its functions the Councils must have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and • foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty:</p> <ul style="list-style-type: none"> • removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; • taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and • encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low. <p>The proposed decisions could directly affect three current chief officers at this stage, namely the Chief Executive, the Strategic Director of Adult Social Care and Health Integration and the Director of Legal and Governance Services. There are no impacts anticipated on staff directly line managed by the posts within the scope of this review at this stage. Any future impacts would be considered by a further impact assessment on the outcome of the proposed senior management review.</p> <p>There are no concerns that the proposed decisions would have a disproportionate adverse impact on any individual with characteristics protected in national legislation.</p> <p>Evidence used to inform this decision includes legal advice, advice from the LGA, consultation conducted to date with senior managers.</p>
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<p>Community cohesion</p> <p>Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>No. None of the proposed decisions would adversely impact community cohesion within Middlesbrough or the Council's capacity to promote this. Evidence used to inform this decision includes advice received by the Council and the views of management team.</p>
<p>Assessment completed by:</p>	<p>Paul Stephens, Head of Strategy, Information and Governance</p>			
<p>Date:</p>	<p>8 November 2021</p>			
<p>LMT approver:</p>	<p>Charlotte Benjamin, Director of Legal and Governance Services</p>			
<p>Date:</p>	<p>8 November 2021</p>			