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ADDITIONAL CIRCULATION



To: All Members of the Council

Town House,
ABERDEEN, 20 June 2014

COUNCIL MEETING

The undernoted items are circulated in connection with the meeting of the **COUNCIL** to be held here in the Town House on **WEDNESDAY, 25 JUNE 2014 at 10.30am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

GENERAL BUSINESS

7(i) Chief Officer - Adult Health and Social Care - Joint Appointment (Pages 1 - 14)

BUSINESS THE COUNCIL MAY WISH TO CONSIDER IN PRIVATE

9(c) Minute of Meeting of Social Work Complaints Review Committee of 21 May and 6 June 2014 - for approval (Pages 15 - 16)

Foreword by the Director

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ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	25 June 2014
DIRECTOR	Angela Scott (Chief Executive Designate)
TITLE OF REPORT	Chief Officer – Adult Health and Social Care - Joint Appointment
REPORT NUMBER:	CG/14/079
CHECKLIST RECEIVED:	YES

1. PURPOSE OF REPORT

It has been agreed with NHS Grampian to use the Council's normal Chief Official appointment process to recruit to the newly established jointly accountable post of Chief Officer – Adult Health and Social Care. This report seeks approval for the setting up of an appointment panel, which is a joint appointment with NHS Grampian partners.

2. RECOMMENDATION(S)

That Council agrees to –

- (1) establish an Appointment Panel comprising 10 members (5 x Council elected members, including the Leader of the Council to Chair the Panel and 5 x Directors of NHS Grampian), to appoint to the vacant post of Chief Officer-Adult Health and Social Care. The 5 x NHS Grampian Directors be co-opted to the Appointments Panel with full voting rights.
- (2) delegate powers to the Appointment Panel to agree all matters relating to the recruitment process, including role profile, person specification and salary;
- (3) in respect of the timescale for recruitment process that powers be delegated to relevant officers to finalise this timeline, in consultation with the Panel Chair;
- (4) appoint external recruitment consultants for the purposes of supporting the recruitment to the above posts where appropriate;
- (5) to invoke Standing Order 1(6)(a) of the Council's Standing Orders relating to Contracts and Procurement to dis-apply the requirements of Standing Order 5, thereby allowing a contract to be entered into with the recruitment consultants to support the recruitment process for this post, without the need to undertake a competitive tendering exercise;

- (6) the estimated expenditure associated with these recruitment exercises, which is estimated to be no more than £50,000, and that these costs be equally shared between the Council and NHS Grampian and that the Council's contribution toward these costs be met from contingencies.

3. FINANCIAL IMPLICATIONS

Recently the Council recruited to the position of Chief Executive which was covered by the budget within the HR Service for Chief Officials' recruitment. The budget allocation held for Chief Officer recruitment is only sufficient to cover one appointment. Therefore additional monies need to be identified and approved for this recruitment and selection process. The costs of the recruitment process will be equally shared with NHS Grampian. It is estimated the full costs for this recruitment process, including costs of appointing of external recruitment consultants, running the assessment centre and the purchase and administration of psychometric tests, candidate expenses etc. should be no more than £50,000 and as NHS Grampian will meet half the cost £25,000 in required. It is recommended this unbudgeted cost be met from Council contingencies.

4. OTHER IMPLICATIONS

- 4.1 In 2009, the Council undertook a procurement exercise and a framework agreement for the provision of recruitment services was put in place. A Call-Off Contract for the appointment of up to 21 Heads of Service was awarded to Munros Consulting. However, this recruitment consultants framework expired in October 2012 and to date has not been retendered and therefore cannot be used to obtain the required external recruitment services. Munros Consulting have recently been rebranded and now call themselves Aspen People Ltd.

It is now requested that Standing Order 1(6)(a) of the Council's Standing Orders Relating to Contracts and Procurement be invoked to allow a new contract to be entered into with Aspen People without the need to seek four quotes in accordance with Standing Order 6 or to undertake a competitive tendering exercise in accordance with Standing Order 5. It is estimated that the value of the Aspen People Ltd Contract will be £30,000 for this recruitment. Ordinarily, where the Council wants to put in place any contract for services with a value below £60,000, the Standing Orders require four written quotes to be sought. Where the estimated value of the contract is above £60,000, a competitive tendering exercise must be undertaken. Matters are slightly complicated here by virtue of aggregation.

Whilst the estimated expenditure is considerably less than the current EU threshold for services contracts (£173,934), the Council has to take account of the aggregation rules, both in terms of its own Standing Orders, but more importantly in terms of compliance with the Public Contracts (Scotland) Regulations 2012 ("the Regs"). Regulation 8(11) requires that where the Council is letting a number of contracts which are part of or arise from a "single requirement" then the value of each contract needs to be aggregated and where the aggregate value exceeds the EU threshold then each constituent/individual contract should be the subject of a tender which is EU compliant.

The “single requirement” here is the provision of recruitment support/consultancy services. Over the last year the Council has expended money on the filling of vacancies including the Chief Executive, Directors of Social Care & Wellbeing and Corporate Governance. When these costs are aggregated then the expenditure within this report takes the Council beyond the £60,000 limit and closer to the EU threshold. In these circumstances, the need for transparency and equal treatment increases, and to negate any procurement risk, the Council should undertake some form of competitive exercise in order to comply with its EU Treaty requirements of “a degree of advertising and competition”. However, this would take a number of months and the services believe that there is a greater risk to delaying the appointment process than failing to comply with Regulation 8(21).

As mentioned above, in these circumstances the Council would normally undertake a competitive procurement in terms of Standing Order 5. However, if the Council is satisfied that there are special circumstances to exempt any Contract from these requirements, Standing Order 1(6)(a) can be invoked.

It is felt that this current arrangement justifies invoking Standing Order 1(6)(a), thereby enabling the Council to set aside the need for compliance with the tendering requirements of Standing Order 5, by virtue of special circumstances as there is a time pressure to commence the recruitment process as soon as possible. Tendering would delay this process. Furthermore, Aspen People have supported the Council in all Chief Official appointments for the previous 5 years. It should also be noted that officers have commenced work in conjunction with colleagues in Legal Services and the Central Procurement Unit with a view to retendering the recruitment consultancy/support services.

5. BACKGROUND/MAIN ISSUES

- 5.1 Following the decision by Council on 14 May 2014 to approve the new Organisational Structure for the Council discussions have taken place about the filling of the joint post with NHS Grampian. The results of these discussions have informed the recommendations of this report in that the Council will take the lead on the co-ordination and administration of the recruitment process.
- 5.2. Attached at Appendix A is the report which was submitted to the Transitional Leadership Group on 29 May 2014, which details issues that are remitted to the Council for approval to progress the appointment in accordance with its Standing Orders.

In respect of the Chief Officer- Adult Health and Social Care it is proposed:

- (i) **Composition and chairing arrangements** – establish an Appointment Panel of 10 members comprising 5 x elected members (3 x Labour (including the leader of the Council who will Chair the panel), 1 x SNP, 1 x Lib Dem) and 5 x Directors of NHS Grampian. The NHS Grampian Directors be co-opted to the appointments panel will full voting rights, to appoint to the vacant post of Chief Officer- Adult Health and Social Care.

- (ii) **Delegation of powers to Appointment Panel** – In the interests of accelerating the recruitment process, it is suggested that powers be delegated to the Appointment Panel on all matters relating to the recruitment process. This will include salary details and the role profile for the post. The Appointment Panel will be advised by the relevant Council Officials and from NHS Grampian during the recruitment process and it is recommended that the services of Aspen People be secured to provide the Panels with expertise of executive search, supporting the appointment process and candidate administration.
- (iii) **Timeline** –The current indicative timeline is as follows-

Week commencing 30 June 2013	Appointment Panel meets to agree job profile and remuneration package
week commencing 7 July 2014	Post advertised
Monday 28 July 2014	Receipt of Application closes
week commencing 4 August 2014	Appointment Panel meets to agree a shortlist of candidates
week commencing 11 August 2014	Assessment Centre held and Appointment Panel meets to interview candidates.

- (iv) **Remuneration package/role profile**– It is proposed to authorise the Appointment Panels to agree the role profile at their first meeting.

6. IMPACT

Recruitment to this Joint post will be of interest to all partner organisations and the wider general public.

7. RISK MANAGEMENT

This post is legally required and has been recently agreed as part of the Council's organisational restructuring. The appointing of a joint post at a Senior (Chief Officer) level is something the Council does not have experience of but the NHS have recently appointed to a similar post with Aberdeenshire Council. The partner organisations are working together to identify, and mitigate any risks associated with the joint appointment.

8. BACKGROUND PAPERS

Report to Transitional Leadership Group – 29 May 2014

9. REPORT AUTHOR DETAILS

Jeff Capstick, Human Resources Manager

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ABERDEEN CITY COUNCIL

COMMITTEE	TRANSITIONAL LEADERSHIP GROUP
DATE	29 May 2014
LEAD OFFICER	Chief Executive (Designate)
TITLE OF REPORT	Arrangements for Recruitment and Selection of Joint Chief Officer post

1. PURPOSE OF REPORT

To seek approval of the recommendations below for the appointment arrangements for the recruitment to the Joint Chief Officer post.

To seek approval for the delegation of authority to the Chief Executive (Designate), in collaboration with the Deputy Chief Executive of NHS Grampian and in consultation with the Chair of the Transitional Leadership Group (TLG) to make the necessary arrangements to progress this appointment.

2. RECOMMENDATION(S)

That TLG recommends the approval of the following to the Council and NHS Grampian:

1. That the Council takes the administrative lead on the recruitment process for the Joint Chief Officer post
2. That the proposed recruitment process and that some of the finer detail (e.g. the recruitment advertising arrangements) be delegated to the Chief Executive (Designate) from the Council in collaboration with the Deputy Chief Executive NHS Grampian.
3. Endorses the job profile for the post as detailed in Appendix A, delegating any minor amendments deemed appropriate to delegated to the Chief Executive (Designate) from the Council in collaboration with the Deputy Chief Executive NHS Grampian.
4. That the successful candidate be permitted to determine whether the employer in respect of this appointment be the NHS or the Council
5. Notes the salary for the post be in accordance with Grade E (£74,290 - £100,255 per annum) for an NHS Appointment OR SJNC Point 44 (£96,243 per annum) for a Council appointment.

3. FINANCIAL IMPLICATIONS

The costs associated with this appointment will be shared equally between the Council and NHS Grampian. The proposals will include costs of recruitment advertising, use of Executive Recruitment specialists, costs of administering an in-house organised Assessment Centre and stakeholder panel/candidates expenses.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

- 5.1 This report requests that the Transitional Leadership Group (TLG) recommends to the Partners (i.e. the Council and NHS Grampian) the arrangements for progressing the appointment of the 'Chief Officer' that is required by the Health and Social Care Integration legislative requirements.
- 5.2. Constructive discussions have taken place between the Council and NHS Grampian officers in relation to the process and the timeline for recruiting to the post of Chief Officer as well as the detail of the post itself. The TLG are asked to endorse the following:
- (i) the Council be responsible for co-ordinating and administering the recruitment and selection process in accordance with its normal arrangements for a Chief Officer appointment. This will include engaging Executive Search specialists to source a high calibre field of candidates, which will be considered by an appointments panel to draw up a shortlist, who will be invited to attend an assessment centre prior to a final interview where the successful candidate will be selected.
 - (ii) the job profile for the role to be as detailed in Appendix A and permit minor amendments which are agreed by the Partners, delegating authority for amendments to the Chief Executive (Designate) from the Council in collaboration with the Deputy Chief Executive NHS Grampian.
 - (iii) the salary of the post to be set in accordance with the rate offered by the respective employer (i.e the Council or NHS Grampian.) The NHS Grampian Rate for the role is Grade 'E' currently £74,290 - £100,255 per annum whereas the Council rate for the role is SJNC point 44 currently £96,243. On the basis, the preferred candidate may come from either a Social Care or a Health background and are likely to have accrued employment rights with their employer (e.g. pension, annual leave, sickness entitlement etc) which are not recognised when an employee transfers between the NHS and Local Government. Having considered the experience of other similar joint appointments in other parts of the Country, both salaries have been advertised and the preferred candidate is permitted to choose which of the Partners is the employer. This approach is provided to avoid losing the best candidate by not being able to offer the appropriate conditions of service.

5.3 For the process to be administered in accordance with Council procedures the matter will need to be approved by full Council. It will be proposed to Council that the members of the TLG will form the Appointments Panel with NHS Board members co-opted to the Appointments Panel with full voting rights

- (i) **Delegation of powers to Panels** – In the interests of accelerating the recruitment process, it will be suggested that powers be delegated to the Appointment Panel on all matters relating to the recruitment process. This will include salary details and the role profile for the post. The Appointment Panel will be advised by the Chief Executive (Designate) and the Deputy Chief Executive of NHS Grampian during the recruitment process.
- (ii) **Timeline** –The current indicative timeline is as follows-

Early week commencing 9 June 2013	Appointment Panel meets to agree job profile and remuneration package
week commencing 9 June 2014	Post advertised
Monday 30 June 2014	Receipt of Application closes
late week commencing 30 June 2014	Appointment Panel meets to agree a shortlist of candidates
week commencing 7 July 2014	Assessment Centre held and Appointment Panel meets to interview candidates.

6. IMPACT

Recruitment to this Joint post will be of interest to all the partner organisations and the wider general public.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL / NHS GRAMPIAN JOB PROFILE

1 Job Details	
Job Title:	Chief Officer – Adult Health and Social Care
Job Profile No:	
Directorate:	
Grade:	
Version Date:	May 2014

2 Job Purpose	
<ul style="list-style-type: none"> • To agree and pursue best outcomes for patients, people who use services and carers within the Aberdeen City Partnership area, by leading the development of the Integration Scheme and subsequent Strategic Plan, in accordance with the provisions agreed within the Public Bodies (Joint Working)(Scotland) Act 2014 [The Act] and the Regulations and Orders relating to this Act • To lead a programme of transformational change demonstrating progress against the National Health and Wellbeing Outcomes including delivery of health and social care that is seamless from the perspective of the patient, user or carer; to design and communicate a coherent vision, values and culture to underpin delivery of whole system change to improve outcomes for adults in Aberdeen City. • To lead on behalf of the Integration Joint Board (following the go-live date), the planning, resourcing and operational delivery of all integrated services within the Strategic Plan. • To operate and manage the integrated budget for adult health and social care service provision, to ensure delivery of the services agreed by the Council and NHS Board when formally established, the Integration Joint Board as defined in the Integration Scheme. • As a senior officer both with the Council and NHS Board, and therefore with a wider governance role in both organisations, the post holder will be expected to provide input on a range of wider health and social care related issues. • The post holder will lead the design and introduction of integrated systems of governance, finance reporting and performance and will be accountable to the joint partners for the performance of the partnership. 	

3 Reporting Relationships	
<p>Accountable to Chief Executives of NHS Grampian and Aberdeen City Council, through the Shadow/Integration Joint Board. Within NHS Grampian, the post holder will report through the Deputy Chief Executive.</p> <p>The post holder is expected to work with a diverse range of stakeholders across Health, Council, Voluntary Sector and other partner agencies. The post holder will also work closely with the relevant Directorates within Scottish Government</p>	

4 Outcomes

The post holder will be expected to:

Develop and implement strategies for the delivery of services provided by the Partnership, taking into account anticipated developments in the external environment and to influence those developments where possible.

Determine operational priorities and review functional activities across the Partnership to ensure effective deployment of employees and all other resources in order to achieve high individual, team and organisational performance.

Be responsible to for ensuring that the quality and delivery of service provision meets or exceeds customer expectations and that the statutory obligations of the Partnership are fulfilled.

Establish long term financial plans for the Partnership as required and contribute to financial planning at a corporate level.

Communicate complex and potentially contentious information in a way that is tailored to meet the needs of a variety of audiences. This includes provision of advice and guidance to the NHS Board, the Council and its Committees on all aspects of the services provided across the Partnership.

Develop long term plans for the Partnership's physical and information resources, including tendering where applicable, ensuring that resources required to achieve the overall aims of the joint partners are in place.

Lead, develop and coach a Senior Management Team to plan and deliver exceptional performance.

Represent the Partners to external bodies, positively forging links and exploring collaborative/joint working/partnership opportunities that are of benefit to the Partnership.

5 Knowledge

The post holder needs to be able to demonstrate an understanding or experience as follows:

- Effective high level leadership, experience of partnership working and significant people management skills
- Substantial senior management experience in a large complex and multi-functional organisation, preferably within Health or social care.
- Successful track record in managing organisational and culture change and managing modernisation programmes in a large complex organisation
- Significant financial management, workforce, strategic, risk and budget planning experience
- Experience of providing advice and guidance in a public service context.
- Success in leading, managing and inspiring employees and of building and motivating effective senior teams.
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It is desirable that the post holder is able to demonstrate:

- Experience of creating and harmonising a range of large scale services in a public sector environment
- Leadership & senior management experience in a public sector organisation.

6 Job specific skills and competencies

The post holder is expected to demonstrate:

- Leadership skills in delivering change and driving forward continuous improvement and best value agendas
- A comprehensive understanding of public services in health and care environments and the contexts within which they operate
- Ability to self direct and motivate others
- Determination and ability to create momentum in translating the vision into joint operational organisational arrangement.
- The political acumen and skills to develop effective corporate working relationships within two complex organisations.
- The ability to provide visible supportive leadership which will effectively empower employees and foster a positive and supportive organisational cultures
- The ability to effectively manage and monitor performance at individual, service and corporate level.
- High degree of political sensitivity
- Financial acumen
- Commercial awareness
- Strong analytical skills
- Excellent communication skills

7 Organisational Behaviours

The post holder is expected to display the following behaviours:

Communication - Communicates in a way which is clear, open, honest and constructive; shares, listens and responds to information, options, ideas and instructions.

Customer Focus - Recognises customer service is part of everyone's job; takes into account customer needs and expectations; strives to meet expectations where possible, manages expectations where this is not possible; is proactive in improving the service.

Professionalism - Maintains the standards expected by the Partnership at all times;

Respect - Behaves in a way that demonstrates respect for people, property and policy.

Creative/Innovative Thinking - Looks for creative ways to continuously improve the service.

Engagement - Understands the importance of employee commitment; creates a positive atmosphere which motivates people to contribute to the task at hand

Future Focussed - Looks to the future of the Partnership and its contribution to the City; focuses on sustainability; has a business focus; is commercially aware – understands that everything has a cost and is able to make best use of all resources; understands how the organisation operates both formally and informally; demonstrates awareness of political sensitivity

Team Leadership - Provides active leadership to the team, service or organisation; demonstrates Partnership values, is transparent in their approach, ethical, encourages trust and respect, is self-aware and self regulates their behaviour.

8 Requirements of the Job

The post holder needs to hold as a minimum:

- Degree in an appropriate health or social work related function/profession or equivalent
- Ability to Travel
- It is desirable for a post graduate management qualification (eg MBA)

9 Development

The post holder must have undertaken or be committed to undertaking the following within a specified period:

Relevant mandatory and statutory training required by the partners

Work Portfolio – Functional Description

Functions within the role

- Assessment and care management functions (adults over 18 years with a learning or physical disability, adults over 18 years with mental health problems, older people and carers)
- Social care commissioning and procurement
- Adult support and protection
- All social work and social care functions and activities for adults with a learning disability
- All social work and social care functions and activities for older people and people with dementia
- All community mental health functions for adults and older people
- All substance misuse functions and activities
- All primary care functions including GMS and prescribing
- In-patient, out-patient and other hospital functions and activities as prescribed by the Regulations Relating to Public Bodies (Joint Working) (Scotland) Act 2014
- Pharmacy
- Dentistry
- Palliative care functions operating in Aberdeen City
- Community and specialist nursing operation within Aberdeen City
- Allied Health Professions - Physiotherapy, speech and language therapy, occupational therapy, dietetics and podiatry functions within Aberdeen City
- Primary and community health support functions
- Clinical Psychology
- Health Promotion
- Public Health, as prescribed

Key Results Areas and Responsibilities

- Develop the integrated planning of Health and Social Care Services, within Aberdeen City, ensuring the management, planning and commissioning of services meets Council and NHS Grampian policy objectives and statutory requirements as defined in the Strategic Plan, by providing strategic leadership and direction.
- Lead the integration of services between those managed by NHS Grampian and Aberdeen City Council, to ensure integrated service planning and performance management arrangements are in place at an early stage. This will include the co-ordination, the preparation and the application of key strategic documents including Service Plans and Joint Commissioning Plans.
- Ensure that Senior Managers have the necessary systems and working arrangements in place to deliver all service requirements, taking account of statutory and legislative requirements and advice to the the Shadow/Integration Joint Board, the NHS Board and relevant Council Committees.
- Design and implement, in partnership with both organisations and with their staff side/Trades Union representatives, organisational arrangements, including locality arrangements, which are fit for purpose, take into account statutory and professional responsibilities and accountabilities and deliver Shadow/Integration Joint Board objectives on time and within budget.
- Propose, allocate and be accountable for budgets for services to meet the objectives as agreed by the, Shadow/Integration Joint Board within Council and NHS Grampian constraints and prioritisation processes, ensuring that financial targets are achieved within the resources available.
- Develop and set standards for the joint delivery of adult health and social care services ensuring a robust performance management framework is in place to measure service delivery, and ensure continuous improvement. Ensure that all statutory clinical and non-clinical governance and professional standards are adhered to and arrangements are established to ensure systems are in place meeting professional and clinical standards
- Lead initiatives within Aberdeen City to ensure that, via the Shadow/Integration Joint Board , the Council and Board deliver the necessary outcomes, meet policy requirements and relevant targets, including, for example, the development of a capacity plan for older people's services and the delivery of the health inequalities agenda.
- Develop and secure effective partnership working with a range of key stakeholders, including voluntary and private sector providers, trades unions/professional organisations and staff to achieve optimum development of services and in accordance with the NHS Scotland Staff Governance Standards and Best Value arrangements

- Lead and develop health and social care input into Community Planning Partnership arrangements, as agreed and in accordance with, the CPP Single Outcome Agreement
 - Review and develop, via the Shadow/Integration Joint Board, relevant NHS Board and Council policies ensuring that they facilitate delivery of high quality services, consistent with the statutory objectives of both organisations and lie within the resources available to the Shadow/Integration Joint Board. Ensure arrangements are in place to support the general management and continuous development of the staff from the Board and the Council whose responsibilities are covered by Shadow/Integration Joint Board and the application of equal opportunities and non-discriminatory practices and policies.
 - Manage and retain oversight of preparations for inspection and audit activity relating to delivery of services defined in the Integration Joint Board Agreement and undertaken as part of the Joint Commissioning Plan.
 - Lead the cultural shift required to achieve true integration, through personal commitment to the values of collaborative leadership, strengthening partnership arrangements, through facilitation and active support to merge two very different cultures, ensuring staff are supported to achieve transformational change that will foster a supportive, learning, outcome-focused organisation.
 - To operate as a key member of Aberdeen City's public service "family", planning and developing services, innovative approaches and strategies that impact on the health and wellbeing of the population.
 - To generate an ethos of professional and distributive leadership amongst professionals, senior clinicians and managers who form the health and care partnership with regard to accountability, responsibility, role and contribution.
 - Implement an agreed engagement strategy with frontline professionals which supports innovative practice and local solutions to health inequalities and shapes the Partnership's Strategic Plan.
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Exempt information as described in paragraph(s) 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

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