



Joint Shared Services & Personnel Committee Monday, 23 May 2022

ADDENDA

- 7. Joint Officer Transition Working Group (JOTWG) Update and Recommendations (Pages 1 - 20)**

Please note this report will follow

- 9. Joint Officer Transition Working Group (JOTWG) Update and Recommendations - Exempt Matters (Pages 21 - 48)**

To consider any exempt matters arising from the report

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Divisions / Wards Affected - All

JOINT SHARED SERVICES & PERSONNEL COMMITTEE

23 May 2022

Joint Officer Transition Working Group (JOTWG) Update and Recommendations

Report by the Chief Executive (Cherwell District Council) and the Interim Chief Executive (Oxfordshire County Council)

RECOMMENDATION

1. **The Joint Shared Services and Personnel Committee is RECOMMENDED to:**
 - a) Note the programme update set out in Annex A.
 - b) Support the decoupling of the partnership working arrangements managed through the current s.113 agreement and establish a revised partnership working arrangement for the following services, as set out in Annex B, subject to the conclusion of suitable agreements between the Councils:
 - Strategic Marketing
 - Consultation and Engagement
 - c) Delegate the completion of such agreements and any actions necessary to establish the revised partnership arrangements to the Assistant Director Law and Governance (CDC) and the Director of Law and Governance (OCC), in consultation with the Leaders of each Council.
 - d) Support the decoupling of partnership working arrangements managed through the current s.113 agreement in the following services, as set out in Annex B:
 - Legal Services
 - Democratic Services
 - Information Governance
 - FOI's
 - Performance and Insight
 - Corporate Programmes
 - Communications

- e) Delegate the final arrangements and actions necessary for transition in these services to the Chief Executive (CDC) and Interim Chief Executive (OCC) working through the Joint Officer Transition Working Group (JOTWG).
- f) Approve the revised direction of travel for Customer Services, Continuous Improvement, and Land Charges and for Property, Investment and Facilities Management.

Executive Summary

- 2. In February 2022, both Councils agreed to give notice to terminate the current s.113 partnerships between the Councils. In-line with this decision and the subsequent direction of travel for future working endorsed by the JSS&P Committee on 14 March, this report sets out recommendations for future working arrangements for the nine services now within Phase 2 of the transition programme approved by the Committee.

Exempt Information

- 3. Due to the small number of roles within each of the six service areas within Phase 1, Annex B, while not naming individuals, clearly identifies specific posts. Annex B is therefore exempt from publication.

Matters for consideration

- 4. In February 2022, Cherwell District Council and Oxfordshire County Council agreed to the required six months' notice for the termination of the s113 agreement dated 31 August 2018 which governs joint working between the two councils.
- 5. In order to ensure appropriate separation of decision making and to fully serve the interests of each council through the termination process, the Councils also agreed to separate the statutory roles of Head of Paid Service (Chief Executive), Monitoring Officer and s151 Officer, with immediate effect. The Councils also agreed to separate Housing Services with immediate effect.
- 6. In the decision agreeing to terminate the agreement, both councils agreed an ongoing role of the Joint Shared Services and Personnel Committee (JSS&P Committee) with revised terms of reference, to provide suitable oversight and decision-making concerning the termination of the agreement. A Joint Officer Transition Working Group (JOTWG) has been established and a programme of due diligence and service reviews is underway, with the aim of keeping the best interests of residents at the centre of decision making.
- 7. A set of recommendations on the future model for Phase 1 services was agreed by JSS&P Committee on 25 April 2022.

8. Subsequent to the agreement of Phase 1, as the part of the continuing review of the corporate director/director/assistant director level, the joint role of the Head of Legal was ceased from 1 May 2022. This role was the only substantive joint post remaining in the legal team and therefore the service decoupling has effectively been implemented from that date.
9. An internal appointment to the new CDC post of Interim Assistant Director for Customer Focus, meant that as a consequence, the joint management of the Performance and Insight team ceased from 1 May.
10. Where appropriate for each council, revised partnership arrangements will remain in-place supported by new agreements as per paragraph 1 c) to commence from a date agreed between the two Councils.
11. An update to the work programme is attached to this report as Annex A. The JOTWG has agreed to maintain flexibility within the ordering of each phase of decoupling to adhere to the principles set out in the joint approach to termination and bring forward new arrangements as soon as possible, while ensuring that all appropriate due diligence and planning is in place to ensure a smooth transition, in the interests of residents.
12. Included as part of Annex A is a revised CDC intention and consequent revised CDC proposed direction of travel for Customer Services, Continuous Improvement, and Land Charges and for Property, Investment and Facilities Management.. The original direction of travel, as previously reported to the JSS&P Committee, was a further review of these service areas was needed (Amber) in order to reach a direction of travel conclusion. Since this time, and following the decisions related to Phase 1 service areas, a clearer understanding of emerging priorities and further refinement of CDC's target operating model has been achieved and therefore the conclusion of CDC is to decouple these services from the strategic partnership
13. Exempt Annex B sets out a summary of the proposal for the future of each services area brought forward by the JOTWG following the due diligence and service review process.

Financial Implications

14. A summary of the financial implications of each service review are set out within Annex B. Detailed implications of the transition will need to be factored into 2022/23 budget management and incorporated within the detailed 2023/24 budget and business planning process of each Council.

Comments checked by:

Lorna Baxter, Director of Finance, Oxfordshire County Council,
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Michael Furness, Assistant Director – Finance, Cherwell District Council,
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Legal Implications

15. To the extent that services are delivered under the revised partnership arrangements both Oxfordshire County Council (OCC) and Cherwell District Council (CDC) have the relevant statutory powers to do so under either s1 of the Local Authorities (Good and Services) Act 1970 or section 9EA of the Local Government Act 2000. In addition, the application of the public procurement regime will have to be considered in each case. The most likely route to being able to provide the Services between OCC and CDC without triggering the Public Contracts Regulations 2015 (PCR 2015) is a shared service collaboration/cooperation arrangement under the Hamburg Waste exemption as codified in Regulation 12(7) of the PCR 2015.
16. In order to rely upon Regulation 12(7), an arrangement needs to satisfy the following criteria:
 - (a) it must be implementing or establishing a co-operation between contracting authorities (Co-operation);
 - (b) the Co-operation must have the aim of “ensuring that public services they have to perform are provided with a view to achieving objectives they have in common”;
 - (c) the implementation of the Co-operation is governed solely by considerations relating to the public interest; and
 - (d) the participating contracting authorities perform on the open market less than 20% of the activities concerned by the Co-operation.

Comments checked by:

Anita Bradley, Director of Law & Governance and Monitoring Officers,
Oxfordshire County Council, anita.bradley@oxfordshire.gov.uk

Shahin Ismail, Monitoring Officer & Assistant Director – Law, Governance and Democratic Services (Interim), shahin.ismail@cherwell-dc.gov.uk

Staff Implications

17. The staffing implications of each Service Review are set out within Annex B. No specific posts are put at direct risks through these recommendations. However, both Council's will wish to review their future structure and establishment subsequent to the termination of the partnership to ensure that their operating models are fit for purpose and affordable.

Equality & Inclusion Implications

18. There are no direct equality implications of the recommendations of this report. Any future changes to staffing, policy and operations subsequent to the termination of the partnership, will need to undergo review in the normal way.

Risk Management

19. Risks for the Councils are considered at a high level within Annex A and B. More detailed programme management documentation is monitoring and where necessary escalating the risks of transition within the risk management arrangements of each Council.

Yvonne Rees, Chief Executive, Cherwell District Council
Stephen Chandler, Interim Chief Executive, Oxfordshire County Council

Annex A: Decoupling Update
Annex B: Service reviews: summaries and proposals (exempt)

Contact Officer: Nathan Elvery, Chief Operating Officer, (Interim), Cherwell District Council, nathan.elvery@cherwell-dc.gov.uk

Robin Rogers, Programme Director, Oxfordshire County Council, robin.rogers@oxfordshire.gov.uk

May 2020

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TRANSITION PROGRAMME PROGRESS UPDATE

Joint Shared Services and Personnel Committee

Decoupling - Cherwell DC & Oxfordshire CC



**OXFORDSHIRE
COUNTY COUNCIL**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Timeframe

Meeting	Mar	Apr	May	June	July	Aug	Sept
Joint Officer Transition Working Group	7 March	4 April	12 May	20 June	18 July	TBA	N/A
Joint Shared Service and Personnel Committee	14 March	25 April	23 May	4 July	29 July	TBA	N/A

Page 8

Meeting	Mar	Apr	May	June	July	Aug	Sept
Phasing	Baseline	Phase 1	Phase 2	Phase 3	Implementation Phasing		Go Live Phase

RISKS, ISSUES, ASSUMPTIONS AND DEPENDENCIES

Decoupling - Cherwell DC & Oxfordshire CC

Page 9



**OXFORDSHIRE
COUNTY COUNCIL**



Cherwell
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NORTH OXFORDSHIRE

High Level Risks Analysis

1

Risk – Decisions and approvals will be made within requisite timeframes to preserve the delivery timetable.

Mitigation – Head of Terms developed and agreed; regular meetings scheduled to enable effective decision-making; effective escalation from Programme Board to JOTWG and the JSSP on the impact of delayed decision-making.

2

Risk – Quality of baseline information and data integrity is high to inform options appraisal and ensure accurate and informed decision-making on costs, structures and benefits.

Mitigation – Baseline information to be established at the outset; business owners to be held accountable for information provision and quality; appropriate measures to be put in place where quality of baseline information is in doubt e.g. new targeted data collection, use of assumptions, data modelling.

3

Risk – Capability and capacity to be freed up from across both Councils to support programme delivery and conflicting priorities are managed effectively.

Mitigation – Development of phased plan with clear understanding of skills/resource requirements.

4

Risk – Decisions are taken in alignment with the agreed Transition Plan Phases and recommendations

Mitigation – Clear programme governance and timeliness of Programme Boards, JOTWG and JSSP.

5

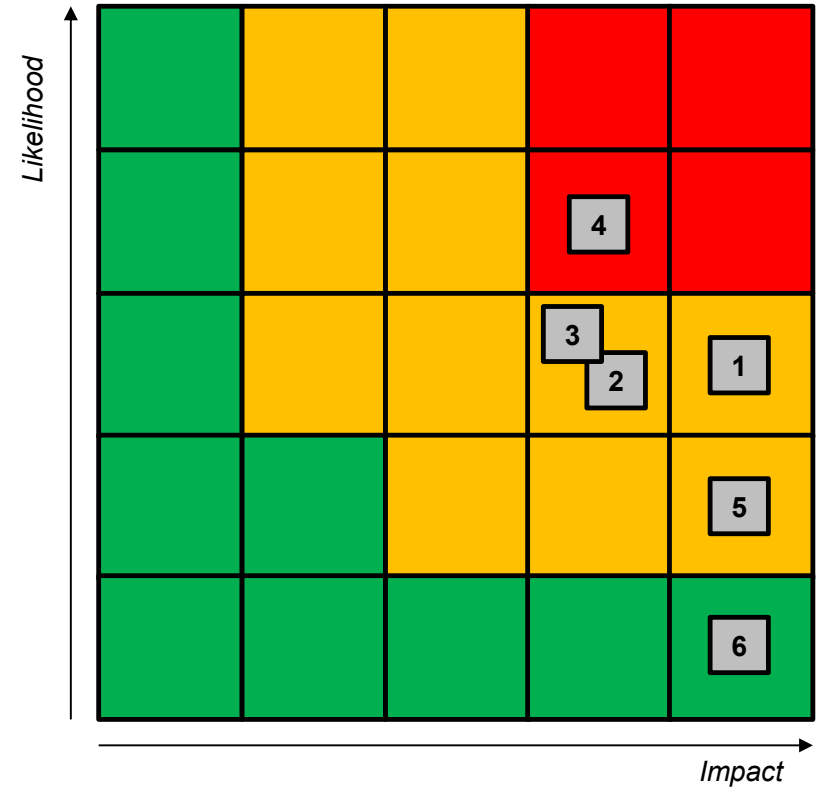
Risk – Joint communications and engagement will be effectively managed and maintained through the Programme

Mitigation – Clear communication and engagement plan. Establishment of a Communication & HR Cell to support this workstream on behalf of the JOTWG.

6

Risk – Capability and capacity in place to support the implementation of the recommendations to JSSP for both Councils

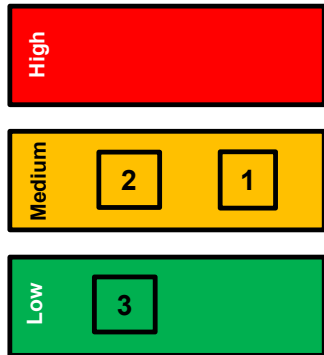
Mitigation – Identification and implementation of appropriate resources.



Page 10

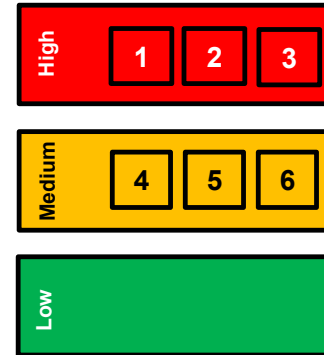
Issues, Assumptions & Dependencies

High Level Issues



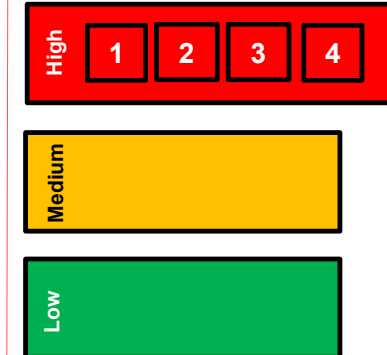
- 1** Establish clear decision-making timeframes for the JOWTG and the decision-making for JSSP.
Mitigation – establish clear timelines and diarise.
- 2** The lack of a Communications and Engagement Plan.
Mitigation – Establish a Communications and Engagement Plan.
- 3** The termination envisaged is not expected to inhibit the Council setting its budget for the next financial year 2022/23
Mitigation – Effective budget planning and management.

High Level Assumptions



- 1** That all steps will be put in place to maintain effective operational activity in accordance with the s.113 agreement during the transition period.
- 2** Termination of the s.113 Agreement will take place on the 31st August 2022.
- 3** Both Councils will seek to keep the best interests of their mutual residents at the centre of their decision making and endeavour to ensure that such actions will not be to their (residents) detriment.
- 4** No option of mutual service delivery is ruled out but in order to give each Council the widest range of options it is felt that this can, at this point, best be achieved through autonomy and independence.
- 5** Both Councils are committed to maintain positive relations will all service users/customers, stakeholder, contractors and interested parties through this period of transition and into the future.
- 6** In principle each employee should return to their employing Council as set out in the s.113 Agreement unless otherwise agreed

High Level Dependencies



- 1** Due diligence exercise on the extent and cost of the s.113 arrangements
Action – Establish the baseline position for staff, structure, service and associated costs.
- 2** Transition Plan
Action – Establish a Transition Plan
- 3** Timely decisions
Action – Ensure timeframes are established for effective decision-making by the JOTWG and the JSSP.
- 4** Financial Implications
Action – The Councils will use reasonable endeavours to agree the apportionment of settlement costs arising from the termination proportionately, fairly and taking into account historic or actual cost sharing percentages and any mutual provision that is agreed will be put in place for discrete service areas.

Page 11

High Level Plan – Phase One

Service Area	Lead Officers	CDC	OCC	JOTWG	Notes
Housing Services	Vicki Jessop	Statutory Service decision 21 st February	Decoupled from OCC	7 March	To be reflected in decoupling arrangements, employment and financial.
Healthy Place Shaping	Nathan Elvery/Ansaf Azhar	CDC separation to support local policies and community development		4 April	Recommendation approved by JSS&P Committee – 25 th April 2022
Climate Team	Nathan Elvery/Bill Cotton	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	4 April	Recommendation approved by JSS&P Committee – 25 th April 2022
Internal Audit	Michael Furness/Lorna Baxter	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	Virtual	Recommendation approved by JSS&P Committee – 25 th April 2022
Counter Fraud	Michael Furness/Lorna Baxter	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	Virtual	Recommendation approved by JSS&P Committee – 25 th April 2022
Corporate Health and Safety	Nathan Elvery/Karen Edwards	CDC separation to support service.		Virtual	Recommendation approved by JSS&P Committee – 25 th April 2022
Policy and Strategy	Nathan Elvery/Susannah Wintersgill	CDC separation to support local policies.		Virtual	Recommendation approved by JSS&P Committee – 25 th April 2022

Partnership

On-Going Support

Decouple

Complete

High Level Plan – Phase Two

Service Area	Lead Officers	CDC	OCC	JOTWG	Notes
Legal Services	Shahin Ismail/Anita Bradley	CDC separation to support statutory role.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Democratic Services	Shahin Ismail/Anita Bradley	CDC separation to support service.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Information Governance	Shahin Ismail/Anita Bradley	CDC separation to support statutory role.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
FOI's	Shahin Ismail/Anita Bradley	CDC separation to support local priorities.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Performance and Insight	Nathan Elvery/Susannah Wintersgill	CDC separation to support local priorities.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Corporate Programmes	Nathan Elvery/Susannah Wintersgill	CDC separation to support local priorities.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Strategic Marketing	Nathan Elvery/Susannah Wintersgill	Ongoing partnership opportunity		12 May	Proposed revised direction – 23 rd May 2022
Communications	Nathan Elvery/Susannah Wintersgill	CDC separation to support local priorities.		12 May	Approved direction by JSS&P Committee – 14 th March 2022
Consultation and Engagement	Nathan Elvery/Susannah Wintersgill	CDC separation to support local priorities.		12 May	Proposed revised direction – 23 rd May 2022

Partnership

Further Work

Decouple

Complete



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

High Level Plan – Phase Three

Service Area	Lead Officers	CDC	OCC	JOTWG	Notes
Emergency Planning	Nathan Elvery/Steve Jordan	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	20 June	Approved direction by JSS&P Committee – 14 th March 2022
Regulatory Services & Community Safety	Nathan Elvery/Steve Jordan	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	20 June	Approved direction by JSS&P Committee – 14 th March 2022
Digital & IT Services	Nathan Elvery/Tim Spiers	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	20 June	Approved direction by JSS&P Committee – 14 th March 2022
Procurement & Contracts	Shahin Ismail/Anita Bradley	Ongoing Partnership Opportunity	Ongoing Partnership Opportunity	20 June	Approved direction by JSS&P Committee – 14 th March 2022
Customer Services, Continuous Improvement and Land Charges	Nathan Elvery/Mark Haynes	CDC separation to support service	Ongoing Partnership Opportunity	20 June	Proposed revised direction. CDC had previously indicated an Amber option for this service area subject to further work, this is now a preference for decoupling.
Property, Investment and Facilities Management	Nathan Elvery/Steve Jordan	CDC separation to support service	Ongoing Partnership Opportunity?	20 June	Proposed revised direction. CDC had previously indicated an Amber option for this service area subject to further work, this is now a preference for decoupling.

Partnership

Further Work

Decouple

Complete

BASELINE STAFFING STRUCTURE

Decoupling - Cherwell DC & Oxfordshire CC

Page 15



Cherwell
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NORTH OXFORDSHIRE

Decoupling : Joint Senior Leadership Team (CEDR)

Post	Joint	OCC/CDC	Current Position/Next Steps
Chief Executive	X	CDC	Chief Executive – Council decision taken in CDC 7 th February 2022 and OCC 8 th February 2022.
Corporate Director Commercial Development Assets & Investment	X		Phase 3
Director of Law & Governance	X	OCC	Phase 1 – arrangements in place from 1 st April 2022.
Corporate Director, Environment and Place	X	OCC	Phase 1 – arrangements in place from 1 st April 2022.
Corporate Director, Public Health & Well Being	X	OCC	Phase 1 – arrangements in place from 1 st May 2022.
Corporate Director, Adults & Housing Services	X	OCC	Phase 1 – arrangements in place from 21 st February 2022.
Corporate Director, Children's Services	X	OCC	Phase 1 – arrangements in place from 1 st April 2022.
Director of Finance, S151	X	OCC	S.151 Officer – Council decision taken in CDC 7 th February 2022 and OCC 8 th February 2022.
Corporate Director, Customers, Organisational Development and Resources	X		Phase 2

Page 16

Decoupled

On plan

Further Work

Decoupling : Wider Leadership Team

Post	Joint	OCC/CDC	Current Position/Next Steps
Director, HR	X	OCC	Phase 1 – arrangements in place from 1 st April 2022.
Director, Communications, Strategy & Insight	X		Phase 2 – review of Strategy, Strategic Marketing, Communications & Engagement and Insight & Corporate Programme teams required.
Director, Digital & IT	X		Phase 3 – review of IT services teams required.
Director, Customer Experience & Customer Services	X		Phase 3 – review of Customer Services and Quality and Performance teams required.
Assistant Director Wellbeing		CDC	Phase 1 – arrangements in place from 1 st April 2022.
Assistant Director Finance		CDC	Phase 1 – arrangements in place from 7 th February 2022
Assistant Director Finance		OCC	Phase 1 – Confirmed
Assistant Director, Revenues & Benefits		CDC	Interim appointment for Cherwell DC – 30 th June 2022
Interim Assistant Director, Housing & Social Care Commissioning		CDC	Phase 1 - decision taken to move Housing to CDC to support the Statutory role for the Housing Authority.
Healthy Place Shaping Lead	X	OCC	Phase 1 – arrangements in place from 1 st May 2022.
Assistant Director, Planning & Development		CDC	Phase 1 – arrangements in place from 1 st April 2022.
Assistant Director, Growth & Economy		CDC	Phase 1 – arrangements in place from 1 st April 2022.
Assistant Director, Environmental Services		CDC	Phase 1 – arrangements in place from 1 st April 2022.
Head of Legal	X	OCC	Phase 1 – arrangements in place from 1 st May 2022.
Head of Procurement & Contract Management	X		Phase 3 – this role is within the Director of Law & Governance management team.
Assistant Director, Property, Investment & Facilities Management	X		Phase 3 – review of Commercial, Facilities Management, Estates, Assets & Investment and Capital/Major Project teams required.
Assistant Director, Regulatory Service & Community Safety	X		Phase 3 – review of Regulatory Services & Community Safety teams required.
Chief Fire Officer	X		Phase 3 – this is OCC only (no CDC management) and therefore can be decoupled at the appropriate time pending partnership discussion.

Decoupled

On plan

Further Work

FINANCIAL IMPLICATIONS

Page 18



**OXFORDSHIRE
COUNTY COUNCIL**



Cherwell
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Decoupling: Cherwell District Council and Oxfordshire County Council Financial Implications

Service	2021/22 CDC Baseline £m	2021/22 OCC Baseline £m	2022/23 CDC Baseline £m	2022/23 OCC Baseline £m	Partnership Baseline
CEDR	0.283	0.257			Staff only
Housing Services	0.066	0.013			Staff only
Emergency Planning	0.025	-			Service Level Agreement
Regulatory Services	0.103	-			Staff only
Climate Change	0.064	-			Service Level Agreement
Procurement	0.170	-			Staff only
Internal Audit	0.070	-			Service Level Agreement
Counter-Fraud	0.068	-			Service Level Agreement
Legal Services	0.035	-			Staff only
Democratic Services	-	0.015			Staff only
Policy & Performance, Communications	0.304	0.473			Staff only
Communications (now included in above line)					
Information Governance	0.022	-			Service Level Agreement
FOI's	-	-			
HR Training & Health and Safety	0.011	0.109			Staff only
IT Services	0.107	0.118			Staff and Service Level Agreement
Property Services	0.053	0.031			Staff only
Customer Services	-	0.125			Staff only
Continuous Improvement	0.030	-			Service Level Agreement
Public Health	0.029	0.023			Staff only
TOTAL	1.438	1.164			

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By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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