

Division(s):

## **AUDIT & GOVERNANCE COMMITTEE – 14 NOVEMBER 2018**

### **SENIOR STAFFING ARRANGEMENTS**

#### **Report by Director of Law & Governance**

##### **Introduction**

1. This report seeks Audit & Governance's support for a proposed amendment to the Constitution relating to senior management appointments to ensure that those appointments within Oxfordshire County Council are made efficiently whilst ensuring accountability. This would also avoid confusion that has arisen as to the definition of Chief Officers and Deputy Chief Officers. These terms have a statutory definition that impacts on the appointment process.
2. Currently, the terms of reference of the Remuneration Committee are that it has a role in appointing Directors with no distinction made between 'Strategic Directors' and any other 'Directors'. This report proposes a distribution of responsibility that provides greater clarity. The choice of which posts should be appointed by the Remuneration Committee lies with the County Council itself and is not determined by regulations.
3. This matter is entirely separate from the arrangements being finalised by the Committee for handling any joint management appointments arising from the Oxfordshire-Cherwell Partnership. The scenarios in this report are solely those that the Council is required to have in place for its own appointments outside of that context.

##### **Background**

4. Prior to the Senior Management Review in December 2016 the Senior Management Team was made up of Directors. These Directors held both statutory and non-statutory roles and were considered Chief Officers for the purposes of the relevant Regulations.
5. Following the Senior Management Review a new role of 'Strategic Director' was introduced and since that time it has been a little unclear as to whether the Strategic Director is a 'Chief Officer', with regard to regulations, and whether the Directors are 'Deputy Chief Officers'. It is timely for the Council to determine clearly the 'appointor' for such senior officer posts.

##### **Statutory Rules**

6. The Local Authorities (Standing Orders) (England) Regulations 2001 say that normally appointments and dismissals and disciplinary are down to the Head of Paid Service. The posts excepted from this and subject to a 'cabinet consultation' procedure (at paragraph 7) are:

- (a) the officer designated as the head of the authority's paid service;
- (b) a statutory chief officer - which under the Local Government and Housing Act

1989 means:

- Director of children's services
- Director of adult social services
- Director of public health
- Section 151 Officer
- Monitoring Officer

- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

- Direct reports of the head of paid service (HOPS)
- A person for whom the HOPS is directly responsible
- A person who as respects all or most of their duties is *required to report directly or is directly accountable to the HOPS*
- A person who as respects all or most of their duties is *required to report directly or is directly accountable to Full Council or a committee or sub-committee*

- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

- A person who as respects all or most of their duties is required to report directly or is directly accountable to one of more of the...
  - Statutory chief officers
  - Non-statutory chief officers

7. For the purposes of Oxfordshire County Council posts these are:

- Head of Paid Service
- *Statutory chief officers*
  - Director for Children's Service
  - Director for Adult Services
  - Director of Public Health
  - Director of Finance
  - Monitoring Officer

- *Non- statutory chief officer*
  - Strategic Director of Communities (reports to HOPs)
  - Strategic Director of Resources (ditto)
  - Director of Digital and ICT (ditto)
  - Director of Human Resources (ditto)
  - Assistant Chief Executive (ditto)
  
- *Deputy Chief Officer*
  - The direct reports of the above (who as respects all or most of their duties is required to report directly or is directly accountable to them; **unless** such posts are clerical or are otherwise support services). Includes...
  - Chief Fire Officer (by virtue of reporting to Strategic Director for Communities)

8. Under the Council's Constitution there is a regulatory process whereby Cabinet members are consulted in relation to both the appointment of Chief Officers and Deputy Chief Officers. This is to identify whether they have any objection or concerns which must be reported back to the Officer or Body that is making the final appointing decision.

### **The proposal**

9. The Annex sets out the proposed relationship between our senior management structure and the statutory definitions of 'Chief Officer' and 'Deputy Chief Officer' as well as the proposed appointing body/person going forward.
10. The proposal is that the Remuneration Committee would be the appointing body for 'Strategic Directors and Statutory Chief Officers only (apart from the Monitoring Officer).
11. For non-statutory chief officers and directors who come under the definition of Deputy Chief Officer, the appointor would be the Head of Paid Service. It still remains that the Cabinet consultation procedure would be utilised as required by regulations for all posts covered by paragraph 6 (a)-(d) above.
12. Under the Council's pay policy statement there is still a requirement that salaries and packages for new posts which attract an annual payment of £100k must be approved by Full Council. That arrangement stems from Government guidance.

### **Monitoring Officer Powers**

13. The Monitoring Officer has delegated powers to make the necessary amendments to the Constitution in order to give effect to the decisions of Council or to ensure legal compliance. All other amendments must be approved by Full

Council. Full Council will need to be assured that the members of Audit & Governance Committee endorse the proposal as set out above.

## **RECOMMENDATIONS**

### **14. The Committee is RECOMMENDED to**

- (a) endorse the proposed changes to appointments in paragraphs 10 and 11;**
- (b) ask Full Council to approve these changes accordingly including the necessary changes to the Pay Policy Statement; and**
- (c) agree that the Monitoring Officer make the necessary textual amendments to the Constitution to give effect to Full Council's decision.**

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## Annex 1

### Senior posts and proposed appointor

The appointor in each case must advise the Proper Officer of the person it is intended to appoint so that he/she can consult Cabinet members for any comment. No appointment can be made until any comments from the Cabinet members have been considered by the appointor.

<b>Post</b>	<b>Regulatory Description</b>	<b>Appointor under Constitution</b>
Head of Paid Service	Head of Paid Service	Full Council
Director for Children's Service	Statutory Chief Officer	Remuneration Committee
Director for Adult Services	Statutory Chief Officer	Remuneration Committee
Director of Public Health	Statutory Chief Officer	Remuneration Committee
Director of Finance	Statutory Chief Officer	Remuneration Committee
Monitoring Officer	Statutory Chief Officer	Full Council
Director for Children's Service	Statutory Chief Officer	Remuneration Committee
Strategic Director of Communities	Non-statutory Chief Officer	Remuneration Committee
Strategic Director of Resources	Non-statutory Chief Officer	Remuneration Committee
Director of Digital and ICT	Non-statutory Chief Officer	Head of Paid Service
Director of Human Resources	Non-statutory Chief Officer	Head of Paid Service
Assistant Chief Executive	Non-statutory Chief Officer	Head of Paid Service
Various posts – i.e. those reporting to the HOPS, Statutory and Non-Statutory Chief Officers	Deputy Chief Officers (includes Chief Fire Officer)	Relevant chief officer e.g. HOPS, Strategic Director or Director

**Nick Graham**

**2 November 2018**

Nick Graham

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