

COUNTY COUNCIL – 10 JULY 2018

APPOINTMENT OF A JOINT CHIEF EXECUTIVE FOR OXFORDSHIRE COUNTY COUNCIL AND CHERWELL DISTRICT COUNCIL

Report by Director of Law & Governance, Director of Finance and Director of
Human Resources

Introduction

1. Cabinet agreed on 4 June 2018 to work in partnership with Cherwell District Council and to adopt joint working arrangements with Cherwell on the basis of a formal 'Section 113 Agreement' under the Local Government Act 1972. This included an agreement that there should be a joint chief executive for both authorities with the intention that this person should also be appointed as the statutory Head of Paid Service for Oxfordshire County Council.
2. This report sets out the recommendations of the Council's Remuneration Committee on the appointment of a Joint Chief Executive and Head of Paid Service for Oxfordshire County Council and Cherwell District Council. This is in accordance with, and pursuant to, the Section 113 agreement which is being finalised, as agreed by Cabinet, by the Monitoring Officers of both councils. The report also recommends that if this appointment is agreed, there is then a need to agree the ending, on the grounds of redundancy, of the role of the County Council's current Chief Executive, as this post would no longer be required.
3. The Council's Constitution incorporates statutory rules which the authority must follow when determining the appointment of a senior manager such as the Chief Executive or 'Head of Paid Service'. Once Full Council has determined who it is minded to appoint, members of the Cabinet must be given an opportunity to comment. Full Council then finalises its decision, taking any such comments into account. This is why two meetings of Full Council, on the same day, are envisaged in this instance.
4. At **this meeting** Full Council is receiving the recommendation of the Remuneration Committee as to an appointment of Joint Chief Executive and Head of Paid Service. Once an initial determination to appoint has been made, the Proper Officer will consult Cabinet members. Full Council will also be asked to make an initial decision on the ending of the current Chief Executive and Head of Paid Service role on the grounds of redundancy. Cabinet members will be consulted on this also.
5. At the **second meeting**, scheduled for later today, Full Council will consider any comments from Cabinet and will determine whether to confirm any such appointment. If so, it will also consider the matter of any redundancy.

6. Any final decisions taken by Full Council through this two-stage approach, will be subject to decisions to be taken by Cherwell District Council on 16 July, in particular the recommendations to Cherwell District Council formally to:
 - (a) give South Northamptonshire District Council notice to end the Section 113 agreement that underpins the joint working between the two authorities;
 - (b) agree to develop joint working arrangements with Oxfordshire County Council and to enter into a Section 113 Agreement as the basis by which the joint working partnership will be delivered;
 - (c) agree to the establishment of a Cherwell and Oxfordshire County Council Chief Executive and Head of Paid Service

Appointment Process

7. The job description for the role of Joint Chief Executive and Head of Paid Service can be found at Annex 1.
8. In order to assess the level of suitability for the role of Joint Chief Executive and Head of Paid Service, Yvonne Rees, the current Chief Executive of Cherwell District Council and South Northamptonshire District Council, was asked to undertake the assessment process used for all senior appointments.
9. The assessment process was carried out by Penna against Oxfordshire County Council's leadership qualities (found at Annex 1). The process involved completion of the Wave and Hogan online psychometric assessments, a subsequent interview, and a Local Government Association technical assessment to assess her professional competence.
10. Yvonne Rees met informally with members of the Cabinet. A preliminary discussion was also held between Yvonne Rees and the Remuneration Committee on Monday 18 June 2018.
11. Remuneration Committee conducted a final interview on Friday 22 June 2018. The panel consisted of:
 - Cllr Ian Hudspeth
 - Cllr Judith Heathcoat
 - Cllr Liz Brighthouse
 - Cllr Charles MathewToni Hall from Penna and Georgina Crean from Human Resources were also in attendance.
12. The panel were given assurances from Cherwell District Council that all appropriate pre-employment checks were carried out as part of Yvonne Rees' recruitment to Cherwell District Council.

Proposal

13. Following a successful assessment process the Remuneration Committee unanimously agreed to recommend to Full Council that Yvonne Rees should be appointed to the role of Joint Chief Executive and Head of Paid Service for Oxfordshire County Council and Cherwell District Council; that the salary for said Joint Chief Executive role should be £190,000 per annum. This is based on the Director for Human Resources' assessment, through benchmarking, of comparable roles reflecting the additional duties and complexities of the role. It is intended that the start date should be 1 October 2018.
14. The County Council's contribution towards the annual salary would be £115,900, which will be subject to review in six months.
15. It is also proposed that the Section 113 Agreement will reflect that the appointment will be reviewed in six months. The initial cost sharing arrangement will also be reviewed with a view to agreeing costs for respective budgets in 2019/20 in light of the first six months of operation.
16. If the appointment is approved, Audit & Governance Committee, as delegated by Council, must make an appointment in September to the statutory role of County Returning Officer so that there is no discontinuity. While the decision is for Audit & Governance Committee, established practice would normally be to appoint the chief executive to the role, particularly if the post holder already has experience in such a role, as is the case with Yvonne Rees.

Employment of the current Chief Executive

17. As a consequence of this recommendation, the employment of the current Chief Executive of Oxfordshire County Council, Peter Clark, would be ended on the grounds of redundancy when the new post of "*Joint* Chief Executive and Head of Paid Service" comes into effect.
18. The Council is at an important stage of the design and implementation plan of its Fit for the Future programme. It will require a commitment for the next 2 to 3 years to ensure the success of this and of the joint working arrangements, a commitment that Peter Clark is unable to give: as such, he considered it would be a better course if he did not put himself forward for the role.
19. In this case, the redundancy occurs, legally, because the County Council's role of "Chief Executive and Head of Paid Service" is being deleted and that role will be replaced by a shared post. The new role will be different to that of the current role in that it entails a management of two authorities rather than one. However, consideration has to be given to redeployment and alternative roles within the Council. That process has been undertaken in consultation with the current post holder and no suitable alternative roles have been identified which can be undertaken by the County Council's Chief Executive.
20. In the circumstances, it is therefore appropriate for the current post to be ended on the grounds of redundancy with the resultant payment of

redundancy and notice that follows from that decision. A fuller note on the redundancy is at Annex 2.

21. It is envisaged that the Notice of Termination would be served on 30 September 2018. It is considered necessary to maintain the current arrangements until that point in order to ensure continuity of service delivery, until the new Joint Chief Executive starts on 1 October. The costs associated with a termination on this basis are at Annex 2.

Legal and Financial Implications

22. Under the Local Government and Housing Act 1989 principal local authorities, such as Oxfordshire County Council, are required to appoint one of their 'officers' as Head of Paid Service to fulfil the legal duties under that Act. This is why Full Council is specifically being asked to appoint Yvonne Rees as this Council's 'Head of Paid Service'.
23. There are expected to be efficiencies from the joint working arrangement as they are approved. At this stage, the savings for the County Council in the appointment of a Joint Chief Executive will be the contribution that Cherwell District Council will now be making towards the salary of the post, as indicated in paragraphs 13-14. The redundancy costs for the current post of Chief Executive and Head of Paid Service are in Annex 2.

RECOMMENDATIONS

24. **Council is RECOMMENDED to:**
 - (a) **agree that Yvonne Rees should be appointed to the post of Joint Chief Executive and Head of Paid Service of Oxfordshire County Council with effect from the 1 October 2018; and in consequence**
 - (b) **agree to the ending of the current Chief Executive and Head of Paid Service role on the grounds of redundancy; and**
 - (c) **in consequence of 1 and 2., to ask the Proper Officer, under Part 8.4(4) and (10) of the Constitution, to notify members of Cabinet of these intentions in order to seek their views on the proposed appointment and redundancy.**

LORNA BAXTER
Director of Finance

NICK GRAHAM
Director of Law & Governance

STEVE MUNN
Director of Human
Resources

Background papers: Nil.

Contact Officer: Nick Graham

June 2018

Job Description and Leadership Qualities

Job Description

Job Title: Joint Chief Executive – Oxfordshire County Council and Cherwell District Council

Location: **Oxford/Banbury** - to work across the county/district locations as appropriate

Contract: Permanent

Reports To: Oxfordshire County Council & Cherwell District Council

Members

Responsible For: All employees in Oxfordshire County Council and Cherwell District Council

Strategic Purpose

Accountable for the strategic leadership, direction and oversight of services delivered for and on behalf of the two Councils to deliver the best possible outcomes for residents, customers and local communities as directed by the administration of each Council.

Key Relationships

The two Leaders, Cabinet Members and other Elected Members, Senior Officers from both Councils, other local authorities, businesses, community, voluntary and other organisations, in particular Police, Health and Local Economic Partnerships. National relationships to include central government and key national bodies such as the Local Government Association.

Job Purpose

Work in partnership with the two Leaders and other Elected Members in the design and delivery of a strategic vision and plan for the two Councils that secures the best possible long term outcomes for the localities and residents they serve.

Exercise the statutory duties and responsibilities of Head of Paid Service for both Councils as defined within the Local Government and Housing Act 1989.

Provide leadership to secure a collaborative approach by colleagues across both Councils on all strategic matters in relation to a shared direction; organisational performance; encouraging a learning organisational culture focused upon improvement and high performance.

Ensure that the strategic aims, objectives and priorities of each Council are met and that residents and businesses across both localities receive excellent services in accordance with the policy, budgetary, statutory, quality and value for money requirements of each Council.

Lead the development of proposals exploring and promoting appropriate joint working opportunities between the two Councils and other public bodies. Informed and guided by the established joint working governance arrangements, with the aim of delivering improvements to service, quality and public value.

Oversee the strategy to build and maintain successful internal and external partnerships and relationships, and to oversee each Council's communications strategy to promote a positive image of each Council to partners, citizens, and national and regional bodies.

Main Duties and Responsibilities

Be the principal advisor to each Council on matters of general policy, development, implementation and maintenance of corporate and strategic policies and to ensure effective and pro-active forward planning.

Work with leading Elected Members and Senior Officers at both Councils to ensure that the strategic aims and values of each Council are clearly understood by their Elected Members, employees and partners and are reflected in all that each Council does.

Oversee the maintenance and continuous improvement of a coherent framework of performance management which ensures that the objectives, desired outcomes and improvement aspirations of both Councils are met and employees in both organisations understand clearly what is expected of them.

Ensure that constructive relationships are developed and maintained between each Council and with central government, together with the other local authorities, businesses, community, voluntary and other organisations, (including in particular Health, Police and Local Economic Partnerships), which are important to meeting the objectives of both Councils.

Provide clear direction for the management of human, financial and other resources; to ensure that under the shared management team both Councils maintain and improve their reputations for being fair, responsible employers and providing value for money services.

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Lead the development and delivery of major programmes of transformation and organisational change, including operating models that put customers at the heart of services, ensuring effective joint working and developing integrated approaches to local public services.

Ensure that the Elected Members and employees of both Councils are provided with appropriate support and opportunities for personal development to ensure that both Councils are in the best possible position to deliver the broadest possible benefits of joint working.

Work with partners to deliver wider collaboration within the public sector, to encourage and lead joint activity for mutual benefit, building directly on the joint working

Lead and chair the Corporate Management Teams in each Council in a way that provides the strategic direction and leadership necessary to achieve the business, financial and service objectives of both Councils.

Serve and represent both Councils equally and without bias.

Exercise the statutory duties and responsibilities of the Electoral Registration Officer and Returning Officer on behalf of both Councils

Leadership Quality	Summary of Quality
Support and Challenge	<ul style="list-style-type: none">• Projecting credibility and delivering important messages with impact, whilst also supporting and encouraging others.• Having the courage of conviction to challenge others, as well as being approachable to others for advice and support.• Asserting views in an appropriate but definite manner, ensuring colleagues understand exactly what is needed.• Understanding the skills and capabilities of their team, providing feedback and encouraging development.

<p>Joined-up thinking</p>	<ul style="list-style-type: none"> • Working with other stakeholders to ensure there is synergy between activities in different areas of the council. • Spending time with other teams and departments, understanding differing priorities and creating the best outcomes for both the council and residents. • Being capable of analysing and interpreting relevant business, market data and insights to make and implement decisions that are well thought through. • Being constantly future focused, working alongside other teams and departments, leading on activities and solutions that are joined up and address short, medium and long-term priorities.
<p>Ambition and confidence</p>	<ul style="list-style-type: none"> • Having the drive and ambition to go above and beyond to deliver the best possible outcomes for residents. • Having the confidence and tenacity to stay focused on key deliverables, creating a culture in which individuals feel energised, engaged and empowered. • Continually striving for a better future, measuring success and taking action to achieve and maintain excellence. • Remaining positive through challenging situations, instilling trust in others by being genuine and focused on the needs of residents.
<p>Continuous improvement</p>	<ul style="list-style-type: none"> • Playing a lead role in change initiatives, ensuring that colleagues and stakeholders feel included, engaged and supported during times of difficult and/or ambiguity. • Working with and through others to ensure change initiatives land smoothly. • Creating and sustaining momentum and enthusiasm for ongoing improvement and change initiatives. • Encouraging team(s) to do the same, creating a learning and improvement culture.
<p>Working in partnership</p>	<ul style="list-style-type: none"> • Collaborating and co-designing with colleagues to achieve effective outcomes together. • Taking the time to build relationships that are sustainable and based on trust. • Using initiatives to build valuable and effective networks and relationships internally and externally, consulting widely and co-designing. • Seeking opportunities for partnerships and navigating through blockages to ensure positive outcomes for residents.

Innovation	<ul style="list-style-type: none"> • Proactively identifying ways to improve upon existing processes and ways of working to benefit customers. • Thinking outside the box and having the confidence to try something new, being risk aware, not risk-averse. • Creating opportunities for team(s) to develop and share new ideas and ways of working. • Being inquisitive and regularly introducing ideas, leading and delivering on well thought out solutions that improve outcomes for residents. • Generating innovation through others.
Delivers value	<ul style="list-style-type: none"> • Seeking to ensure value for money as well as identifying commercial opportunities. • Playing a lead role in the improvement of delivering quality services across the council for the right price, ultimately benefitting and driving value for residents. • Proactively and routinely exploring the viability of new opportunities, approaches and efficiencies across the business area. • Using an understanding of the market and service users to deliver efficiencies and/or cost savings, driving value for residents.
Political acumen	<ul style="list-style-type: none"> • Having an awareness of organisational, local and national politics and being able to work with and through various partners to achieve the best outcomes. • Keeping up to date with the political landscape, understanding the needs and expectations of others stakeholder groups and having the confidence to take a stand to ultimately deliver the best outcomes for residents. • Having a thorough understanding of the interpersonal and political dynamics both internally and externally, able to make things happen within this context. • Standing ground when necessary but also being sensitive to the needs of other partners and stakeholders. • Being able to navigate through a broad range of partner organisations.

Annex 2 – Redundancy costs for current Chief Executive of Oxfordshire County Council

The statutory entitled costs associated making this post redundant are:

- Redundancy payment - £151,000
- Pension costs - £19,000
- Pay in lieu of six months' notice - £89,250

It is proposed the costs associated with this redundancy are funded by Oxfordshire County Council only.

The statutory definition of redundancy is set out in section 139 of the Employment Rights Act 1996. That provides, in summary, the termination for redundancy arises where the requirements of the employer for employees to carry out work of a particular kind ceases or reduces. In this case, the County Council's role of Chief Executive and Head of Paid Service is being deleted and that role will be replaced by a shared post. The new role will be different to that of the current role in that it entails a management of two authorities rather than one.

So, although the same work will continue fewer employees of the Council will be required to undertake it. In the circumstances, and following legal advice, the definition of redundancy as set out in section 139 of the Employment Rights Act 1996 is considered to be met. However, consideration has to be given to redeployment and alternative roles within the Council. That process has been undertaken in consultation with the current post holder and no suitable alternative roles have been identified which can be undertaken by the County Council's Chief Executive.

In the circumstances, it is appropriate for the termination of the current post holder's role to be made on the grounds of redundancy with the resultant payment of redundancy and notice that follows from that decision.