



Leicester
City Council

WARDS AFFECTED
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
EMPLOYEES COMMITTEE
COUNCIL**

**4 April 2013
27 June 2013**

**APPOINTMENT OF CHIEF OPERATING OFFICER AND STRATEGIC DIRECTOR OF ADULT
SOCIAL CARE, HEALTH AND HOUSING**

**REPORT OF THE DIRECTOR OF DELIVERY, COMMUNICATIONS AND POLITICAL
GOVERNANCE AND CITY BARRISTER AND HEAD OF STANDARDS**

1. PURPOSE OF REPORT

This report asks that the Employees Committee makes a recommendation to Full Council on the appointment of the Chief Operating Officer as delegated Head of Paid Service; and makes the appointment of the Strategic Director of Adult Social Care, Health and Housing (and the statutory post of Director of Adult Social Services).

2. SUMMARY

Under the Council's Constitution, the Employees Committee is asked to make a recommendation to Full Council for the appointment of the Chief Operating Officer as Head of Paid Service; and is asked to make the appointment of the Strategic Director for Adult Social Care, Health and Housing, incorporating the statutory role of Director of Adult Social Care.

3. RECOMMENDATION

- 3.1 That Employees Committee recommends to Full Council the appointment of Andrew Keeling as the Chief Operating Officer and Head of Paid Service.
- 3.2 That Employees Committee makes the appointment of Deb Watson as Strategic Director of Adult Social Care, Health and Housing (including designation of the statutory post of Director of Adult Social Services – DASS).

4. REPORT

The Chief Operating Officer has been acting as Head of Paid Service since the redundancy of the previous Chief Executive. The longer term appointment to this post was excluded from the Senior Management Review of 2011, with a view to resolving the appointment of the Council's most senior officer at a later date. Since that time, a revised job description

for the Chief Operating Officer has been developed, to take account of the relationships and responsibilities between this post and that of the City Mayor. As per the Council's Organisational Review Policy, consideration has to be given to whether any existing employees can legitimately claim rights to a post. In this case, it is considered that the new post of Chief Operating Officer is sufficiently similar to the substantive post of Andrew Keeling that he should assimilate into this role. The statutory duties of the Head of Paid Service which have been temporarily assigned to the post of Chief Operating Officer will continue to be so.

As per the Council's constitution (Part 4I) this report asks the Employees Committee to recommend the appointment of the Chief Operating Officer and Head of Paid Service to Full Council.

The Constitution provides that:-

"3. Appointment of Head of Paid Service

(a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

(b) The full Council may only make or approve the appointment of the Head of Paid Service where no well founded objection has been made by any member of the Cabinet."

Further, under the same section of the constitution, the Employees Committee is asked to make the appointment of the Strategic Director of Adult Social Care, Health and Housing (including the statutory responsibilities of the Director of Adult Social Services – DASS). The statutory post of Director of Adult Social Services, and the majority of duties of the Strategic Director, have also been filled on an interim basis since September 2011 and was taken on by the Director of Public Health and Health Improvement (a joint appointment post between the Council and NHS). Following the conclusion of an investigation into allegations against the former post holder, the Council is now in a position to fill this post on a permanent basis. As many of the duties of the Strategic Director post have been filled, on an interim basis, by Deb Watson, as the Director of Public Health and Health Improvement; and as this post transfers under TUPE into the Council as a result of the Public Health transfer, it is considered appropriate that a consolidation should take place for the existing interim post holder to the permanent Strategic Director role.

As per the Council's constitution (Part 4I), this report asks the Employees Committee to ratify the appointment of the Strategic Director for Adult Social Care, Health and Housing (incorporating the statutory post of DASS).

The constitution provides that:-

"4 Appointment of Strategic Directors and Divisional Directors

a) A committee or sub-committee of the Council will appoint Strategic Directors and Divisional Directors. That committee or sub-committee must include at least one member of the Cabinet.

(b) An offer of employment as a Strategic Director or a Divisional Director shall only be made where no well founded objection from the City Mayor or any other member of the Cabinet has been received."

This process falls within the Council's Officer Employment Procedure Rules within the Constitution.

This report is presented as an open report; the Council may wish to go into private session if confidential aspects are to be discussed.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

The salaries of both of the above posts were reviewed as part of the senior management review (January 2012). The Strategic Director of Adult Social Care, Health and Housing is within the UCOR/S Chief Officer grade (sp 16 – 18) and equates to £146k including on-costs. The Chief Operating Officer is within the UCOR/S Chief Officer grade (sp 19 – 20) and equates to £169k including on-costs. Both salaries are within the existing budgetary provision including any pay protection costs, for 2 years, arising from the senior management review.

Alison Greenhill, Director of Finance, ext 297401

5.2 Legal Implications

Director of Adult Social Care:

The role of DASS is a statutory requirement (section 6 Local Authority Social Services Act 1970).

This makes the DASS a Statutory Chief Officer (section 2 Local Government & Housing Act 1989).

The Head of Paid Service (HOPS) can, via Schedule 1 Local Authorities (Standing Orders) (England) Regulations 2001, make and break all appointments except some. Amongst those he cannot appoint are statutory chief officers. These are therefore functions of the "Authority" meaning Full Council or Committees appointed by Full Council.

Employees Committee will have to approve the appointment of Deb Watson. It is not a Head of Paid Service appointment. At least one member of the Exec will have to form part of that Committee. This is confirmed by Part 4i (Paragraph 4) of the Council's Constitution as cited in the main body of the report. This is also endorsed by the Terms of Reference of Employees Committee as follows:

EMPLOYEES COMMITTEE - TERMS OF REFERENCE

5. To undertake the recruitment of and oversee the appointment, training, transfer between departments, promotion, relegation and dismissal (all subject to legislative constraints regarding statutory officers) in respect of:

i. The Head of Paid Service

- ii. Strategic Directors
- iii. Divisional Directors
- iv. And any officer who reports directly to a Strategic Director, or Head of Paid Service for all or most of their duties (excluding anyone whose duties are solely secretarial or clerical or otherwise in the nature of support services)

Head of Paid Service (HOPS):

The Local Government & Housing Act 1989 states at section 4

“It shall be the duty ... of every relevant authority— (a) to designate one of their officers as the head of their paid service; and (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.”

The Council’s Constitution at Article 4.02(g) and Article 13b.makes it clear that it is a Full Council function to approve the designation of HOPS. The Constitution also includes mandatory standing orders "Officer Employment Procedure Rules" which provide that this designation must be by full Council following a recommendation of the Employees Committee. These appear at Part 4i and the relevant provision (paragraph 3) is cited in the main body of the report. It is also within the Terms of Reference of the Employees Committee to make this recommendation, as per the extract above.

The Constitution includes mandatory standing orders "Officer Employment Procedure Rules" which provide that this designation must be by full Council following a recommendation of the Employees Committee.

Kamal Adatia, City Barrister, ext 6302

6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting Information
Equal Opportunities	Yes	The Chief Operating Officer has ultimate responsibility.
Policy	Yes	“ “
Sustainable and Environmental	Yes	“ “
Crime and Disorder	Yes	“ “
Human Rights Act	Yes	“ “
Elderly/People on Low Income	Yes	“ “

7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

8. **CONSULTATIONS**

Kamal Adatia – City Barrister and Head of Standards

9. **REPORT AUTHOR**

Steph Holloway

Interim Head of

HR

Ext: 395078

E-mail: Stephanie.holloway@leicester.gov.uk