

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 28th June 2021
Report for: Information
Report of: Sara Todd Chief Executive

Report Title

Appointment of Deputy to the Chief Executive and backfill arrangements

Recommendations

- 1. That the contents of the report are noted;**
- 2. That authority to approve the job descriptions for the proposed interim roles is delegated to the Corporate Director of Strategy and Resources in consultation with the Chair of the committee.**

Relationship to Policy Framework/Corporate Priorities	The Head of Paid Service is a statutory role and therefore must be in place to work closely with the Leader and Executive to enact all corporate priorities and strategic ambitions.
Financial	This proposal is fully funded.
Legal Implications:	Under the constitution there is a requirement for a nominated individual to undertake Head of Paid Service responsibilities in the absence of the Chief Executive and this is addressed in the report.
Equality/Diversity Implications	We continuously strive to be inclusive and are committed to creating an environment that values and respects the diversity and richness that differences bring. By being inclusive, we can then better understand our residents and businesses and, in turn, serve them better.
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	All temporary appointments in the report are from within the existing workforce, supporting our ambitions to create succession opportunities.
Risk Management Implications	The appointment of a Deputy will ensure all risk is managed and mitigated effectively.
Carbon Reduction	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

1. Background

- 1.1** The Chief Executive has been advised that she will be required to take an extended period of absence for medical treatment with effect from Friday 25th June 2021.

- 1.2 The paper outlines the steps and considerations to provide cover for the Chief Executive during an extended period of absence of up to 6 months, including a period of phased return and outlines the backfill arrangements.
- 1.3 Consideration has been given to a number of alternative options to provide appropriate cover for the Chief Executive's roles and responsibilities during this period of absence. The alternative options considered included: appointing externally to an 'Acting' Chief Executive role for a fixed term period, as well as an internal 'acting up' appointment.
- 1.4 Given that the Chief Executive has the constitutional right to appoint a deputy, the option proposed is that the Chief Executive appoints a Deputy who would have full authority to act in respect of all the Chief Executive's duties, on instruction from the Leader of the Council during the period of her absence.
- 1.5 This arrangement is considered to provide for greater continuity and stability for the council at an important time in the development of its revised Corporate Priorities, work on the Budget for the coming year and in order to enable it to continue the route to Recovery post-Covid.
- 1.6 In considering options and in particular the option of appointing a member of the Corporate Leadership Team to act as her Deputy and therefore take on the additional responsibilities which fall within the role of the Head of Paid Service, the Chief Executive has given consideration to capacity across the team and the need to protect key work streams when considering who would be best placed to take on the duties required. Her considered opinion is that the Corporate Director Strategy and Resources would be best placed to take on this role from that perspective.
- 1.7 The paper outlines the arrangements for the Chief Executive to appoint the Corporate Director Strategy & Resources as her Deputy. Consideration has also been given to the need to provide some back fill support to that role while the Corporate Director will be deputising during the absence of the Chief Executive.

2. Authority to appoint a Deputy Chief Executive

- 2.1 The Chief Executive has the constitutional right to appoint a Deputy. This is set out in the council's constitution in the Appointment of Officers section in Part 3 'Responsibility for Functions' as outlined below.

"The Chief Executive following consultation with the Leader of the Council may appoint a Corporate Director to the role of Deputy Chief Executive on such terms and conditions including remuneration, as the Chief Executive sees fit.

- 2.2 The Deputy Chief Executive shall:

1. Undertake any duties delegated to him/her by the Chief Executive;

2. Perform duties of the Chief Executive set out in this Constitution either;

(i) Upon the instruction of the Chief Executive; or

(ii) upon the instruction of the Leader of the Council when the Chief Executive is absent from his/her duties for whatever reasons for a period of five consecutive working days or more. During such times, the Deputy Chief Executive shall undertake any of the powers of the Chief Executive set out in this Constitution, except where the Constitution already provides for deputising arrangements for example 'Proper Officer' functions."

2.3 The appointment is not time-limited, although it does stipulate that the provisions in relation to who the deputy takes instruction from will differ where the period of acting is short term (5 days or less) or indefinite during any period of absence greater than 5 days. In the latter case instruction would be taken from the Leader with regard to the performance of Chief Executive duties.

2.4 The constitution also makes it clear that where there are already deputising arrangements in place under the constitution – as is the case for most of the Proper Officer roles – those arrangements will apply rather than those duties falling to the deputy.

2.5 There is a table in the constitution which sets out the deputising arrangements for Proper Officer functions. They largely fall to the Corporate Director for Governance and Community Strategy as they relate mainly to electoral matters (such as "Witness and receipt of declaration and acceptance of office"; accepting written notice of resignation from office) or are procedural, such as in relation to notices exempting information from production.

3. Deputy Appointment – arrangements and remuneration

3.1 The Chief Executive can appoint one of the Corporate Directors as Deputy and set the terms of that appointment including pay and period of appointment.

3.2 The Chief Executive must consult with the Leader but ultimately it is a matter for her as to whether she appoints a deputy, who that person would be and on what terms.

3.3 Having given the matter due consideration, the Chief Executive proposes to appoint the Corporate Director of Strategy and Resources as her Deputy, effective from Monday 21st June 2021 for a period of up to six months.

3.4 Benchmarking has been undertaken across GM to inform the salary remuneration level and a range of 5 incremental pay steps commencing at £135,000 -£143,000 is proposed. As the Deputy would perform duties of the Chief Executive under instruction from the Leader during the extended period of absence which will arise, the proposed salary level is £143,000 in recognition.

- 3.5 Certain 'Proper Officer' duties would be carried out by deputies already determined under the Constitution rather than by a Deputy to the Chief Executive if appointed.
- 3.6 Backfill arrangements to enable the Corporate Director of Strategy and Resources to deputise for the Chief Executive during her period of absence are included in para 4.0 for information.

4.0 Backfill arrangements

4.1 To ensure that the responsibilities of the Corporate Director of Strategy and Resources are appropriately discharged during the Chief Executive's absence, and to enable her to deputise for the Chief Executive during that period, the interim arrangements set out below are proposed with effect from Monday 21st June 2021

4.2 In relation to the backfill arrangements proposed, the Council's Officer Employment Rules set out the procedure which would normally be followed where consideration is being given to the appointment of someone at Director level including a requirement that the job description salary and benefits are approved by the Employment Committee before appointment. The Rules do state however that those procedures can be disapplied in exceptional circumstances, such circumstances to be determined by the Proper Officer in consultation with the Chair of Employment Committee. It is considered that the current situation and the time available to make alternative arrangements constitute exceptional circumstances and this has been agreed with the Chair of the Committee.

4.3 Details of the salary and benefits to be applied to the interim posts proposed are set out in the report. However, the job descriptions for the roles have yet to be finalised and, in the event that these are not available when this matter is considered by the Committee, it is proposed that authority to approve the job descriptions is delegated to the Corporate Director of Strategy and Resources in consultation with the Chair of the Committee

4.3 It is therefore proposed that the following arrangements are put in place with effect from the 21st June 2021:-

4.3.1. Interim Director of Strategy and Policy

Enhance and redesignate the current Assistant Director of Strategy & Policy postholder as Interim Director of Strategy and Policy and note that during the period of additional responsibility, the post holder will be a member of CLT. The post will be regraded to point 9 £88,751 in the Director grade SM3A during the corresponding period, for taking on additional responsibilities to lead the following functions:-

- Communication & Marketing
- Business Intelligence
- Performance
- Modernisation
- Strategic Partnerships

4.3.2 Interim Director of Human Resources

Enhance and redesignate the current Head of Workforce & Core Strategy postholder as Interim Director of Human Resources and note that during the period of additional responsibility, the post holder will be a member of CLT. The post will be regraded to point 9 £88,751 in the Director level SM3A grade during the corresponding period for taking on additional responsibilities including being the Proper Officer for Employment Committee and leading the following functions:-

- HR Operations
- HR Workforce & Core Strategy
- Resourcing
- Health & Safety
- Leadership Support function

To reduce the spans of management control and to provide sufficient capacity within the Workforce & Core Strategy function the following changes are proposed.

1. Allocate the management of the resourcing function to the Strategic Lead Organisational Development and line management for the Leadership Support Manager and CEX PA, paying an honoraria payment to increase the overall salary to a level equivalent to SM4C £52,453 and redesignate the role to Head of Resourcing and Development in recognition of the broader portfolio.

4.3.3. Interim Assistant Director for Traded Services

Appoint the interim Head of GMSS to an interim Assistant Director of Traded Services role at SM3C point 4 £79,410 and align GMSS with Traded Services to strengthen the commercial portfolio to equip all service offers to be fit for market and generation of income targets and achievement of customer excellence. This post is jointly funded with GMP to the substantive salary level and the post is currently being covered by an agency member of staff. The proposal would seek to appoint on a 6 months fixed term contract basis to secure the candidate.

5.0 Costs

5.1 The Director of Finance and Systems has confirmed that the additional costs of £26,665 plus on costs plus the salary increase of the Deputy to the Chief Executive of £12k plus on costs (6 months) will be financed from the general contingency budget to the end of December 2021.

6.0 Recommendations

1. That the contents of the report are noted;
2. That authority to approve the job descriptions for the proposed interim roles is delegated to the Corporate Director of Strategy and Resources in consultation with the Chair of the committee