
Staffing Matters & Urgency Committee

5 August 2019

Report of the Head of Human Resources

Interim Cover for the Chief Executive

Summary

1. This report provides options for SMU to consider the appropriate cover for the Chief Executive.

Background

2. The Chief Executive is currently too unwell to attend work.
3. The Council needs to continue to carry out its full functions and the Chief Executive role is key, as Head of Paid Service, in ensuring the delivery of the council's functions and in moving the council forward.
4. Whilst the period of absence is unknown, the Council needs to consider a more permanent interim arrangement. Since the absence commenced the Deputy Chief Executive (DCEX) has provided cover in his role as DCEX, however he is also the Section 151 Officer.
5. Whilst it is not illegal for one person to hold both statutory roles, it is not best practice and not recommended for any prolonged period.
6. Therefore a number of options are proposed for consideration below.

Options and Analysis for interim cover

Option 1

7. The DCEX covers full duties of CEX including the statutory role of Head of Paid Service. In order to do this the Section 151 Officer role is removed and is given to the Deputy Section 151 Officer.
8. Within the constitution (Section 3D (3.1)) the Deputy Chief Executive is to provide cover for the Chief Executive and therefore we would be just

formalising this arrangement. The DCEX would retain the same title but also be Acting Head of Paid Service.

9. This would still result in one less full member at CMT and therefore the DCEX in consultation with the Leader, as appropriate, would need to consider the reporting lines and work out a suitable way forward during this interim period, as it is acknowledged that he would be unable to line manage all functions across Customer and Corporate Services and CMT.
10. To arrange for the Deputy Section 151 Officer to take on the full duties of the Section 151 Officer role during this interim period. A suitable salary supplement to be agreed to cover the additional responsibilities of the Section 151 Officer.
11. Financial implications of both options are around £3,106 per month, split as indicated in paragraph 12 and 13 below.
12. The DCEX should receive the difference between his pay and that of the first point of the Chief Executive Salary range, £137,971. The difference between the salaries is £2,408 per month. It is anticipated that the interim arrangements should be in place for at least 3 months.
13. The estimated cost of the additional duties of the Section 151 officer is estimated at £690 per month, based on spinal point within the Chief Officer pay grade, however full evaluation is required to finalise this figure. It is anticipated that the interim arrangements should be in place for at least 3 months.

Option 2

14. Along with the DCEX proposal as above detailed in paragraphs 7 to 9, consideration could be given to increase the Chief Officer establishment on a temporary basis to have an AD for Finance incorporating the Section 151 duties.
15. However this would require approval at Council as there is an increase in the establishment of Chief Officers, even if temporarily, and there would need to be an internal recruitment process which will take time. As Full Council is not until October we would be unable to progress this until then, which does not provide the interim arrangements that are required in a timely manner.
16. The cost of this option would be :
 - £2,408 per month for the DCEX and then a cost of an AD post,
 - Additional cost from grade 12 to AD estimated at £1,531 per month

- Backfill would be required within Finance estimated for the purpose of this report at a grade 10. £3,392 per month.

17. We would need to recruit internally for the AD position if approved.

Option 3

18. To advertise and recruit for an Interim Chief Executive on an initial 3 month contract, with the flexibility to extend.

19. This would retain the DCEX in his current role.

20. However to recruit for this is likely to take at least two months until someone is in post. There would be the cost of advertising and interviewing, estimated at around £5,000.

21. As it is an interim arrangement the cost per day is estimated at £1,000 including expenses. This on average per month based on 21 working days would cost the authority £21,000.

Consultation

22. No formal consultation has taken place, once a decision on a preferred option is established then consultation with key individuals will be taken forward, including the Trade Unions.

Council Plan

23. Making an appointment to this post will contribute to delivering the Council Plan and its priorities.

Implications

24. The following implications have been considered:

- **Financial** – The cost of each option is detailed above.
- **Human Resources (HR)** – Temporary changes to contracts will be needed in options 1 and 2, therefore the necessary process will be followed. Option 2 would require recruitment to the post.
- **Equalities** - There are no equalities implications.
- **Legal** – Internal appointments into statutory positions can be done without the need for an appointments sub-committee and can be sanctioned by SMU. There is no requirement to go through to full council.
- **Crime and Disorder** – There are not crime and disorder implications.

- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

25. There is a risk to the Authority of not separating out the statutory functions of the Section 151 and Head of Paid Service which could impact upon the effective delivery of services to the residents of York.

Recommendations

26. It is recommended that SMU

- a) Agree to option 1 and remove Section 151 from his remit and allocate the Head of Paid Service.
- b) Agree to pay the additional supplement for covering the CEX/Head of Paid Service functions as described above.
- c) Allocate the Section 151 Officer to the Deputy Section 151 Officer.
- d) Agree to pay the additional allowance to cover this statutory function.
- e) Review the interim arrangements in October.

Reason: To provide suitable cover in the absence of the Chief Executive.

Contact Details

Author:

Chief Officer Responsible for the report:

Trudy Forster

Head of HR

Tel: (01904) 553984

**Report
Approved**



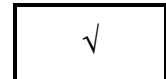
Date 22/7/19

Specialist Implications Officer(s)

None

Wards Affected: List wards or tick box to indicate all

All



For further information please contact the author of the report