

## **Staffing Matters and Urgency Committee**

**2 October 2023**

### **Report of the Chief Operating Officer**

Portfolio of the Executive Member for Finance, Performance, Major Projects and Equalities

### **Changes and Updates relating to Chief Officer Posts including Chief Finance Officer, Assistant Director of Education, Director of Public Health (and associated interim arrangements) and Assistant Director of Public Health.**

#### **Summary**

1. This report seeks the approval of the committee to consider.
  - i. Temporary additional responsibility allowances for the Chief Finance Officer (section 151 officer).
  - ii. A job title change to the role of Assistant Director Education.
  - iii. And to note the recent recruitment campaigns and appointments committee outcomes for the Director of Public Health and Assistant Director of Public Health.

#### **Background**

##### **Chief Finance Officer**

2. The Chief Finance Officer is a Statutory role, and the officer appointed has a statutory duty under Section 151 of the Local Government Act 1972 to ensure that there are proper arrangements in place to administer the Council's financial affairs.
3. The current grade for the Chief Finance Officer is paid within the Assistant Director grade band which equates to £79,194 to £87,761. The Chief Finance Officer reports directly to the Chief Operating Officer.

4. The Chief Finance Officer's role has the responsibility for all financial management across the Council, leads and manages procurement, insurance and risk monitoring across the Council and has a key role in advising the Executive of the Council's financial position.

### **Assistant Director of Education**

5. The Assistant Director of Education is the lead expert officer responsible for Education. The role responsibilities and accountability extend to school effectiveness and achievement, education support services, the virtual school, education psychology, the skills team and the integrated SEND Service. This role advises and makes recommendations on educational matters to Executive members.
6. The current grade for the Assistant Director of Education is paid within the Assistant Director grade band which equates to £79,194 to £87,761. The Assistant Director for Education reports directly to the Corporate Director of Children's Services and Education.

### **Director of Public Health**

7. The Director of Public Health is the lead expert in public health for the Council, the City of York, and its local community. This role reports directly to the Chief Operating Officer.
8. The role is a system leader for improving health and wellbeing of residents, reducing health inequalities in health outcomes, and protecting local communities from public health hazards (including infectious diseases and environment threats).
9. The role has an impact on the Council successfully delivering the Council's Public Health responsibilities and achieving the aims and outcomes of Council Plan.

### **Recommendations**

10. The Staffing Matters and Urgency Committee is requested to:
  - i. Approve two temporary additional responsibility allowances for the Chief Finance Officer; the first from April 2023 to December 2023 for reasons associated with leading the finance workstream and being accountable for the finances for the creation of the

Mayoral Combined Authority as detailed in **paragraphs 14 to 20a.**

- ii. The second temporary additional responsibility allowance from January 2024, for the interim role of Section 73 officer for the Combined Authority which has been approved by the Devolution Joint Committee. This is envisaged to be for approximately 3 months or until the appointment of the permanent Director of Resources is recruited to. Further details are in **paragraphs 14 to 20b.**
- iii. Approve to change the job title of the current Assistant Director of Education to Chief Education Officer as detailed in **paragraphs 21 to 22.**
- iv. Note the update on the recruitment and appointments panel outcome for the post of Director of Public Health, Assistant Director of Public Health and approve the interim arrangements proposed as detailed in **paragraphs 23 to 26.**

### **Further Analysis of Proposals**

- 11. As both the Chief Finance Officer and Assistant Director of Education are member appointments, changes to these roles are subject to Member approval in line with the Council's constitution. The following is a summary of the proposed changes for the Committee to consider.
- 12. Both of the following proposals are outside of a pending restructure of the Chief Officers which will be presented to the Committee soon.
- 13. With reference to the recent Director of Public Health appointment, the Committee will recall agreement to establish an appointments advisory committee in line with the Council's constitution and also the statutory instrument governing the appointment of public health specialists in June 2023. **Paragraphs 23 to 26** below provides an update of the campaign outcomes and also seeks the Committees approval to continue interim arrangements in light of the current Director of Public Health's pending retirement and recent return from absence.

## **Chief Finance Officer**

14. Since the approval to create a Combined Authority (CA) on behalf of City of York Council (CYC), North Yorkshire Council (NYC) and the Office of the Police Fire and Crime Commissioner (PFCC), CYC's Chief Financial Officer (CFO) has been undertaking the lead financial role, that would usually be provided by a CFO to implement and create the CA, this has also included managing a new team of officers in NYC.
15. Within the Combined Authority, the CFO is sometimes referred to as the Section 73 Officer, a role arising from the Local Government Act 1985 and relates to the financial administration for Combined Authorities to ensure arrangements are in place for the proper administration of its financial affairs: very similar to the role of a Section 151 officer in a local authority Council.
16. In July 2023, the Joint Devolution Committee agreed and approved interim arrangements for the CA's senior staffing structure which includes a Director of Resources which holds the Statutory role of Section 73 Officer.
17. At the Committee it was agreed that CYC's CFO will continue to lead the financial workstream including being accountable for the financial affairs to implement and create a CA. At the time of writing, it is expected that the CA will be created and become a legal entity in January 2024.
18. The Committee also agreed that CYC's CFO would be appointed on an interim basis to carry out the statutory role of S73 officer / CFO until the CA makes an appointment to the Director of Resources role. It is anticipated that CYC's CFO will undertake the Statutory role for approximately 3 months, and this will be funded from the CA. This role was approved by the Joint Devolution Committee in July 2023, with the recognition that the formal appointment will take place on day one of the Combined Authority when it becomes and legal entity and appoints its statutory officers.
19. These additional roles and responsibilities are over and above the CYC's CFO's substantive role. The additional responsibilities have been job evaluated using the Council's job evaluation system and the grade has been identified within the Director grade band (£96,574 to £106,857).

20. It is proposed that there is recognition for the additional duties as follows:
- i. From 1 April 2023 to the creation of the CA (expected to be January 2024), CYC's CFO be assigned a temporary allowance for the additional duties associated with taking on the lead role of the finance workstream for the CA in addition to the substantive post. This would equate to a Director Grade, and it is proposed to award the first point of the four-point scale which equates to £96,574. This grade is also within the grade range boundaries of the Director of Resources evaluated for the CA. This additional temporary allowance will be funded from the CA implementation fund and is in addition to the current charge from the CA implementation fund which currently recharges CYC for 2 days of the postholders time to manage the finance workstream to create the CA.
  - ii. From January 2024 (on creation of the CA) award CYC's CFO the first point of the Director Grade on a temporary allowance basis for the interim role of Statutory S73 Officer for the Combined Authority until the appointment of the permanent Director of Resources. This interim role will not undertake all aspects of the Director role but will undertake the statutory element. As mentioned, above is anticipated to be for approximately 3 months and will be financed from the Combined Authority funding, and therefore is at no additional cost to CYC.

### **Assistant Director of Education**

21. It is proposed to change the job title of the post of Assistant Director of Education to Chief Education Officer. This change is contractual and has been suggested by the Corporate Director of Children's Social Care and Education in liaison with Head of HR & OD to reflect the role more accurately and be comparable with the same status officers both regionally and nationally.
22. There are no other changes to terms and conditions proposed for this post although it is acknowledged that a number of Councils regionally pay a higher rate for a comparable officer. The impact of this on CYC

structures will be closely followed. It is proposed that this title change is implemented with immediate effect (from 1 October 2023).

### **Director of Public Health Appointment**

23. The recent recruitment campaign for the role of the Director of Public Health has concluded. The current postholder of the post has also recently returned to post following a period of absence and agreement was reached by the committee for an interim arrangement to be made for the designation of Director of Public Health (DPH) to be assigned to the Public Health Consultant in order to meet the Council's statutory duty.
24. Now that the substantive director of public health has returned to work, they will resume the role and designation. The DPH will however, be on a period of phased return from absence and is also preparing for retirement and taking outstanding leave prior their retirement date of 31 December 2023.
25. The recent recruitment campaign has successfully appointed an external candidate, details cannot yet be released wider as the appointment is subject to pre-employment checks and processes.
26. There is, however, a need to continue with the interim arrangements established in the DPH's absence to ensure continuity during the DPH's phased return and their handover leading to retirement and ensuring that there is a designated DPH between the substantive post holder leaving (and taking leave due) and before the new DPH starts. It is anticipated that the new DPH will start sometime in late January.

### **Assistant Director of Public Health**

27. The recent recruitment campaign for the Assistant Director role has not successfully identified any suitably qualified candidates to shortlist and arrangements and proposals for the future will be discussed with the new DPH. As such a further report and update will be provided to the Committee in the near future.

### **Consultation**

28. Specific consultation has not been carried out on the proposals presented in this report, as this is not required, however there is a requirement for Members to approve changes to Chief Officers roles at

this committee, and hence this report. The evaluation of the CFO changes have been undertaken by a senior HR Manager which has also been sighted and endorsed by the Head of HR & OD and Trade Unions. The Chief Operating Officer has been consulted on the changes and proposals for the CFO and endorsed the additional responsibilities. The Corporate Director of Children's Social Care and Education has been in discussions with the Head of HR & OD regarding the job title change for the Assistant Director of Education.

## **Implications**

### **Financial**

#### **29. Chief Finance Officer**

i. Temporary responsibility allowance (April to December 23).

The cost of the temporary allowance will be from the MCA implementation costs and be the difference between the current salary and proposed salary which will be in the region of £5875.33 for 8 months which equates to £7520.42 with oncosts.

ii. Temporary responsibility allowance (January to approx. March 2024).

The cost of the temporary responsibility allowance to undertake the Statutory role of the Section 73 officer on behalf of the Combined Authority for approximately three months or until the Director of Resources will be £2203.25, which equates to £2820.16 with oncosts. This cost will be paid from the Combined Authority budget and has been approved by the Joint Devolution Committee.

This post will remain in scope for the restructure of Chief Officers which will be presented to this Committee in the coming months as part of meeting the Councils budget saving agreed in February 2023.

#### **Assistant Director of Education**

30. There are no financial implications for the proposed changes to the Assistant Director of Education.

## **Interim Arrangements for the Director of Public Health**

31. It is anticipated that the interim arrangements for the Director of Public Health will continue until approximately late January. The cost of this will be offset by the vacant post of the Assistant Director of Public Health. This role is funded from the central government local authority public health grant allocation. Interim costs between September and February are offset with the current costs of the Public Health's Consultants substantive role in the NHS and the secondment agreement in place with CYC.

## **Human Resources (HR)**

32. The proposals presented in this report are subject to Member approval in line with the Councils constitution Article 11: Staffing Matters and Urgency Committee and paragraph 3.6 which states:
- i. In respect of staffing conditions, the staffing Matters and Urgency Committee will have the following decision-making functions:
    - In respect of Chief Officers only:
      - All pay related issues relating to Chief Officers.
33. There are no other employees who can claim the activities identified in the proposals and there is no specific requirement for a selection process.

## **Equalities**

34. The procedure has been followed to ensure a robust job evaluation exercise has been undertaken of the additional responsibilities in line with the Councils pay and grading process which is compliant with equalities legislation and practice.

## **Legal**

35. Section 151 of the Local Government Act 1972 requires that the Council must secure that one of its officers has responsibility for the proper administration of its financial affairs and is designated as a statutory chief officer role by virtue of Section 2(6)(d) of the Local Government and Housing Act 1989. The role is politically restricted. Equally, the Council is required by section 532 of the Education Act 1996 to designate an officer as Chief Education Officer. That role is also designated as a statutory chief officer role by virtue of Section 2(6)(a) of



the Local Government and Housing Act 1989 and is politically restricted.

### **Risk Management**

36. There are no significant risks associated with the implementation of these proposals. It should, however, be noted that there is a risk of not paying the rate of the role for the CFO which will risk continuity of the CA project should a more attractive offer be available. To also cover on an interim basis without recognition of a comparable salary is unfair and risks goodwill. For comparative information the current average public sector CFO is paid £119k.
37. Consideration has also been made to ensure that the CFO is not faced with a conflict of interest associated in acting in the best interests of CYC, NYC and the CA. It is not uncommon that a CFO from a local authority to undertake the role of a Section 73 officer in a CA, and this is the chosen model for the North East Combined Authority where the role of Section 73 Officer is on a secondment basis from one of the constitute Councils CFO's. Appropriate measures will be taken for the CYC's CFO to ensure that where they are in a position where there is a potential to influence CYC's status in the CA that appropriate governance arrangements are also put in place.
38. The Council cannot have a period without the designated Director of Public Health, and it is recognised that there needs to be appropriate cover accordingly, the interim DPH provides this cover and continuity for the service.

## Contact Details

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### Chief Officer Responsible for the report:

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**Report** ✓ **Date** 19/09/2023  
**Approved**

### Specialist Implications Officer(s)

Bryn Roberts – Director of Governance and Monitoring Officer  
Helen Whiting - Head of Human Resources  
Judith Bennett – HR Manager Pay and Reward

### Wards Affected:

All ✓

**For further information please contact the author of the report**

### Background Papers:

None.

### Annexes:

None.