



Notice of a public meeting of

Staffing Matters & Urgency Committee

To: Councillors Alexander (Chair), Boyce, Fraser, Gillies and Aspden

Date: Monday, 5 August 2013

Time: 1.00 pm

Venue: The Giles Room - 1st Floor West Offices (F022)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annexes to Agenda Item 5 (Redundancy) and an Annex to Agenda Item 7 (Market Supplement for the Assistant Director of Children's Specialist Services) on the grounds that they contain information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on Monday 8 July 2013.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **Friday 2 August 2013 at 5.00 pm**.

5. Redundancy (Pages 7 - 8)

This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

6. Changes to Terms and Conditions of Chief Officers (Pages 9 - 16)

This report sets out proposed arrangements for the introduction of a market supplement policy for Chief Officers to be implemented with immediate effect.

It is also seeking agreement to commence consultation with Staff and Trade Unions regarding a proposed 4 day reduction to annual leave entitlement and to introduce a link between incremental progression and the Chief Officer Performance Development Review (PDR) process. It is envisaged that these proposed changes would be introduced by April 2014 to align with the next round of PDR meetings.

7. Market Supplement Payment for the Assistant Director of Children's Specialist Services (Pages 17 - 26)

This report sets out a proposal for a market supplement payment to be made to the Assistant Director of Children's Specialist Services under the Market supplement policy for Chief Officers to retain an outstanding post holder.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Judith Betts

Contact details:

- Telephone – (01904) 551078
- E-mail – judith.betts@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business on the agenda
- Any special arrangements
- Copies of reports

Contact details are set out above.

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

Meeting	Staffing Matters & Urgency Committee
Date	8 July 2013
Present	Councillors Alexander (Chair), Boyce, Fraser, Gillies and Reid (Substitute for Councillor Aspden)
Apologies	Councillor Aspden

19. Declarations of Interest

At this point in the meeting, Members were invited to declare any personal, prejudicial or disclosable pecuniary interests, other than their standing interests, that they may have had in the business on the agenda.

None were declared.

20. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of annexes to Agenda Item 5(Redundancy) (Minute Item 20 refers) on the grounds that it contains information relating to individuals. This information is classed as exempt under Paragraphs 1,2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information)(Variation)(Order)).

21. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 24 June 2013 be approved and signed by the Chair as a correct record.

22. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

23. Redundancy

Members considered a report which advised them of the expenditure associated with the proposed dismissal of two employees on the grounds of voluntary redundancy.

Details of the two employees were contained as exempt annexes to the report, copies of which were circulated at the meeting.

Officers explained the compulsory redundancy could be avoided if the request for voluntary redundancy was granted. The vacated post would then be filled with the employee under threat of compulsory redundancy (this was described as "bumping" the redundancy).

Details of the additional expenditure which would be incurred in relation to the proposal were reported. It was noted that the Council had made a commitment to reduce the number of compulsory redundancies to the lowest possible level.

Concerns were expressed about the cumulative effect that the new process could have on future redundancies. Officers agreed to monitor this, and to include information about the numbers redundancies that had been processed in this way, in their three month summary of redundancies report for the Committee.

- Resolved:
- (i) That the expenditure associated with the request for voluntary redundancy be noted.
 - (ii) That the expenditure associated with the transfer of employee affected by compulsory redundancy of the compulsory to the post vacated by the voluntary redundancy be noted.

- (iii) That the inclusion of those redundancies that had been “bumped” be provided to Members in the three month summary of redundancy reports presented to the Committee.

Reason: In order to provide an overview of the expenditure.

Councillor J Alexander, Chair
[The meeting started at 1.00 pm and finished at 1.15 pm].

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Staffing Matters and Urgency Committee**5 August 2013**

Report of the Director of Customer and Business Support Services

Redundancy**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of an employee on the grounds of redundancy.

Background

2. The background and detailed case surrounding the proposal is contained in an individual business case to be circulated at the meeting as an annex to this report.

Consultation

3. The proposed redundancy has been subject to consultation in accordance with the Council's statutory obligations.

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy and/or pension payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Executive or Officers nominated by her.

Analysis

5. The analysis of the proposal can be found in the respective business case.

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the More 4 York programme.

Implications

- 7. The implications of the proposal can be found in the respective business case.

Risk Management

- 8. The specific risks associated with the proposal and how they can be mitigated are contained in the business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

- 9. Staffing Matters and Urgency Committee is asked to:

Note the expenditure associated with the proposed dismissal of the employee on the grounds of redundancy as detailed in the annex.

Reason: In order to provide an overview of the expenditure.

Contact Details

Author:

Mark Bennett
Head of HR Directorate
Support
Human Resources
Ext 4518

Chief Officer Responsible for the report:

Ian Floyd
Director of Customer and Business
Support Services

**Report
Approved**

Date 26 July 2013

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Individual Business Cases (to be circulated at the meeting)



Staffing Matters and Urgency Committee**5th August 2013**

Report of the Head of Business HR

Changes to Terms and Conditions for Chief Officers**Summary**

1. This report sets out proposed arrangements for the introduction of a market supplement policy for Chief Officers to be implemented with immediate effect.
2. The report is also seeking agreement to commence consultation with Staff and Trade Unions regarding a proposed 4 day reduction to annual leave entitlement and to introduce a link between incremental progression and the Chief Officer Performance Development Review (PDR) process. It is envisaged that these proposed changes would be introduced by April 2014 to align with the next round of PDR meetings.

Detail of proposals

3. The City of York Council recognises that the pay for jobs must be fair, transparent and non discriminatory and the Council has a job evaluated pay structure for Chief Officers. The council also needs flexibility in the overall 'package' of pay and non pay benefits to attract and retain the highest calibre staff to provide high quality services for our customers.

Market Supplement

4. Whilst a job evaluation scheme and grading structure gives a robust measure for grading a post it takes no account of market factors. The purpose of a market supplement is to assist with the recruitment and retention of staff when it can be robustly demonstrated that the grade for a particular job or group of jobs, as determined by job evaluation, is significantly below local or national rates of pay. It would also need to be demonstrated this is impacting upon the ability to recruit to the role or retain a post holder.

5. For such exceptional cases many organisations have a market supplement policy as a mechanism to respond to these situations as they occur and can consider paying a discretionary market supplement in addition to the job evaluated salary. Any market supplement should only be used as a specific response to enable the Council to attract and retain employees who work in specific jobs that attract a market premium.
6. The potential need for a market supplement policy was recognised following the implementation of job evaluation and pay and grading review process for Local Government Staff and a Market Supplement policy was introduced for these staff in 2008, however there is no policy in place for Chief Officers.
7. Salary is by no means the only factor which influences the ability to recruit staff. The remuneration package must be part of an overall recruitment strategy and the potential need for market supplements will be considered in this context. On some occasions it may be more appropriate to consider financial barriers discouraging individuals from applying for posts and these may be more appropriately addressed through the council's relocation expenses scheme or utilising existing flexibilities for the starting salary offered on appointment (within the evaluated grade of the post).
8. Similarly a range of factors will contribute to the retention of existing staff and it is expected that these will be explored first before considering any need for market supplements.

Proposed introduction between incremental progression to the Chief Officer PDR process

9. Directors and Assistant Directors are employed on grades which have four salary levels. Progression through the salaries in the grade is on a 'time served' basis with annual progression each April until the post holder reaches the top salary of the grade.
10. The Chief Executive is employed on a grade which links performance to pay and progression through the salary levels is only achieved if performance is determined to be judged to be satisfactory using the Performance Development Review (PDR) process.

11. It is proposed to introduce a link between pay and performance for all Chief Officers to drive improved performance through linking desired outputs to incremental progression. Progression through the salaries in the grade would be based on the assessment of performance through the PDR process.
12. Where agreed targets and standards have been achieved a Chief Officer may progress by one increment annually.
13. It is proposed to consult with Chief Officers about the proposal and then form a small group to look at the current our process for PDR and review processes elsewhere in the region with the aim of developing a scheme which links pay and performance for use in York.

Proposed reduction to annual leave

14. The current annual leave entitlement for Chief Officers is 34 days increasing by five days to 39 days after five years continuous local government service. This is in addition to the eight public holidays per year. The Council's flexi time scheme does not apply to Chief Officers.
15. Under national terms and conditions for Chief Officer's annual leave and holiday arrangements are at the discretion of the local authority, but set out a minimum entitlement of 30 working days including annual and long service leave.
16. The annual leave entitlement for Local Government staff in York is 24 days, increasing to 29 days after five years continuous local government service. In addition the flexi time scheme operates for most employees which allow staff to take accrued time off work, subject to the needs of the service.
17. Leave arrangements in other local authorities vary significantly, however information obtained from other local authorities suggest that the Council does provide more annual leave for Chief Officers than some other Local Authorities.
18. It is proposed to consult with Chief Officers with a view to reducing the annual leave entitlement to 30 days increasing by five days to 35 days after five years continuous local government service.

Further Analysis of introduction of Market Supplement policy

Justification

- There is not a policy which applies to Chief Officers (we do for Local Government staff).
- The Council's Job Evaluation Scheme for Chief Officers (Hay Scheme) takes no account of market factors.
- There needs a strategy to be able to recruit and retain high quality Chief Officers.

Principles of a Market Supplement policy

19. The following principles will apply:
- Any market supplement must be objectively justifiable
 - Market supplements will be time-limited and subject to review
 - The process for agreeing, monitoring and reviewing supplements must be responsive and flexible. The process may be initiated in reaction to particular difficulties in recruitment and / or retention or more proactively because of longer term market data etc.
 - Where a market supplement is introduced for a particular category of post, it will apply to existing staff holding posts in that category.
 - The cost of market supplements will be met from service budgets
 - If a job is subsequently re-graded to a higher grade, any market supplement will normally be reduced by an equivalent amount
 - A market supplement payment is pensionable

Criteria

20. Consideration of market supplements will take account of the following evidence:
- i) Market Data
For these professional occupations national and/or regional data will be relevant. Data can be easily obtained for comparable posts which have been advertised. It is possible to obtain data from salary benchmarking service providers.

ii) Recruitment and Retention Difficulties

Recruitment and retention difficulties will normally be evidenced by a pattern of problems rather than one isolated individual case. Such a pattern may include;

- high levels of vacancies that are having a significantly adverse effect on the delivery of services
- re-advertising of posts (normally a post will have been advertised at least twice)
- very small numbers of applicants who meet the essential requirements of the post in relation to the size of the potential recruitment pool
- similar problems experienced for comparable posts in other groups/units

iii) Retention difficulties

This can be evidenced by the above factors. However for certain jobs where there is only one post holder in that particular category it may be necessary to rely to a greater extent on market data.

Quantification

21. Market supplements may be expressed in terms of a cash sum allowance or additional increments.
 - cash sum allowance – this may be appropriate for jobs where there is a defined linkage to a particular market index
 - additional increments (within the evaluated grade) – may be particularly appropriate where the need is to recruit and retain highly skilled and experienced staff.
22. A market supplement forms part of the overall remuneration package for an individual and as such will be pensionable.

Procedures and Approvals

23. The case for the introduction of a market supplement will be based on the criteria above. In order to obtain market data it may be necessary to obtain information from identified external agencies. The proposal will include supporting evidence and the proposed amounts.
24. The Head of Service for Human Resources will consider the report, discuss the proposals with UNISON and make recommendations to Staffing Matters and Urgency Committee.

25. The Human Resources Service will monitor the use of market supplements across the Council.

Review of Supplements

26. A similar process will be followed for the review of market supplements that have been agreed taking account of the particular circumstances.
27. Market Supplements will normally be reviewed at least biennial or earlier if market conditions change. It will be for the Head of Service for Human Resources to undertake the review. The review will be based on the criteria set out above.
28. Where as a result of a review a market supplement is to be reduced or withdrawn this will take place with immediate effect.
29. Market supplements will not be subject to the annual cost of living increase and where a supplement is reduced or removed it will not qualify for pay protection.
30. It may also be appropriate to review any market supplement payable when an individual leaves if there is evidence that the market has changed since the last review.

Review of Protocol

31. The effectiveness of this procedure will be monitored. The procedure may be amended by agreement at any time.

Consultation

32. Informal consultation regarding these proposals has taken place with the Chief Officer staff group. Formal consultation regarding the changes to leave and incremental progression would be required with staff and recognised trade unions

Options

33. The Committee has the power within the Council's procedures to agree this policy.
34. This policy is proposed as there are no alternative options within existing policy which specifically address these risks of recruitment and retention.

35. No workable alternatives to a market rate supplement have been identified to mitigate these risks.

Council Plan

36. The actions being proposed in the report are consistent with the Council Plan and the Council's Workforce Strategy 2012 – 15, which has 'Pay, reward and Recognition and 'Recruitment and Retention' as two of its key strategic aims so that the Council is able to 'retain as many of our talented people delivering services to our customers as we can'

Implications

37. The implications of this proposal are detailed within the body of the report.
38. The council currently has published on the Council website a Pay Policy for Chief Officers and the implementation of Market Supplements, changes to annual leave and performance related increments would require an amendment to that Pay Policy for April 2013.

Risk Management

39. Any specific risks associated with this proposal are detailed within the body of this report. The risks associated with the recommended option are financial, legal and guidance has been taken from these services.

Recommendations

40. Staffing Matters and Urgency Committee is asked to consider the information in this report and to agree to;
- i) The implementation of a market supplement policy for Chief Officers as detailed in the body of the report.
 - ii) The commencement of consultation with staff and trade unions regarding a 5 day reduction to annual leave entitlement and the introduction of a link between incremental progression to the Chief Officer the PDR process

Reason: In order for there to be flexibility within the Chief Officer terms and conditions in order for us to respond to market forces and recruit and retain talented staff.

Contact Details

Author:

Mark Bennett
Head of HR Directorate
Support
Human Resources
Ext 4518

Chief Officer Responsible for the report:

Kersten England, Chief Executive

**Report
Approved**

Date 26 July 2013

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None



Staffing Matters and Urgency Committee**5th August 2013**

Report of the Head of Business HR

Market Supplement Payment for the Assistant Director of Children's Specialist Services**Summary**

1. This report sets out a proposal for a market supplement payment to be made to the Assistant Director of Children's Specialist Services under the Market supplement policy for Chief Officers to retain an outstanding post holder.

Background

2. The City of York Council recognises that the pay for jobs must be fair, transparent and non discriminatory and the Council has a job evaluated pay structure for Chief Officers. However the job evaluation scheme and grading structure takes no account of market factors and therefore in exceptional circumstances where there is a demonstrable evidence that the pay for a post is significantly below the market rate the Council can consider making a market supplement payment.
3. Any application for a market supplement payment has to be based on the following criteria;
 - Market Data (Data of comparable posts which have been advertised and or / national benchmark data).
 - Recruitment and Retention Difficulties (normally be evidenced by a pattern of problems rather than one isolated individual case).
 - Retention difficulties (evidenced by either of the above factors).

Analysis

4. The current salary for the Assistant Director of Children's Specialist Services is £73,401. This is within a salary range of £66,068 to £73,401.
5. There has not been cost of living pay award made to Chief Officers since April 2008 and there is no national agreement for a pay award to be given in 2013/14.

Market information

6. Annex A provides the details of a review of comparable roles. This analysis demonstrates the following;
 - The average salary for comparable posts in these 11 councils is £84,942.
 - The span of comparable salaries is £67,147 to £99,154.
 - York is currently paying at the bottom quartile of this salary range.
7. The comparator Councils are either in the Yorkshire and Humber region or are of a comparable size and scope.

Other supporting factors

8. The performance of post holder is exemplary and exceeds the expectations of the job description.
9. Should the Council not be able to retain the current post holder the likely costs of recruiting to the post would exceed the proposed market supplement payment.

The proposal

10. It is proposed to pay an appropriate cash sum allowance, as set out in exempt Annex B, bringing the total salary package for this post holder in line with the salaries offered for other comparable roles within this job market.
11. The market supplement payment would commence from 1st September 2013.

12. The market supplement forms part of the overall remuneration package and as such will be pensionable.
13. This market supplement payment will be reviewed biennially.

Consultation

14. Consultation has taken place with the member of staff affected by this proposal.

Options

15. The Committee has the power within the Council's procedures to agree this proposal.
16. No other options to mitigate the risk of non-retention of this member of staff have been identified within existing policy.
17. Given the potential costs associated with recruiting a replacement for the current post holder, the most cost effective and service beneficial option is to seek to retain the post holder with an agreed market supplement.

Council Plan

18. The actions being proposed in the report are consistent with the Council Plan and the Council's Workforce Strategy 2012 – 15, which has Recruitment and Retention as one of its strategic aims so that we are able to 'retain as many of our talented people delivering services to our customers as we can'.

Implications

19. The implications of this proposal are detailed within the body of the report.

Risk Management

20. Any specific risks associated with this proposal are detailed within the body of this report. The risks associated with the recommended option are financial, legal and guidance has been taken from these services.

Recommendations

- 21. Staffing Matters and Urgency Committee is asked to consider the information in this report and to agree to the implementation of a market supplement payment, as outlined in exempt Annex B, to the Assistant Director of Children's Specialist Services.

Reason: In order to retain an outstanding post holder.

Contact Details

Author:

Mark Bennett
Head of HR Directorate
Support
Human Resources
Ext 4518

Chief Officer Responsible for the report:

Kersten England, Chief Executive
Report **Date** 26 July 2013
Approved

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all* All

For further information please contact the author of the report

Annexes: Annex A- Market Information
Annex B- Exempt Information (Confidential)

Addendum - Market Supplement Payment for the Assistant Director of Children's Specialist Services

The paper has been amended to remove reference to an incomparable post which was included erroneously in Annex A.

The list of comparable posts from other authorities originally included the AD for Customer Access and Service Transformation at Cheltenham Borough Council. However, this role is in no way comparable and should not have been included.

This has, therefore, been removed from the table in Annex A, and the figures recalculated using the remaining 11 comparable salaries. A note has also been added to highlight that the posts in Poole combine to cover the role equivalent to the AD portfolio in York, so individually are at a slightly lower level of responsibility.

The result is that the average salary of comparable posts is £84,942, rounded to the nearest pound.

The paper has been amended to reflect these changed figures. Confidential Annex B remains unaffected.

Author:

Mark Bennett

Head of HR Directorate Support

Human Resources

Ext 4518

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<u>Assistant Directors – Children’s Social Care</u>		<u>Assistant Director – CYC</u>
The average salary for Assistant Directors – Children’s Social Care	£ 84,942 (Based on 11 posts) (salaries range from £67,147 to £99,154)	£71,387 CYC average salary (£73,401 actual salary)
Council	Post title	Salary
Sheffield Council	Deputy Director CYPF	£99,154
North Yorkshire County Council	Assistant Director Children’s Social Care	£85,341
North East Lincolnshire	Head of Vulnerable Children	£81,069
Hull Council	Children’s Safeguarding Manager	£88,082
Rotherham Council	Director of Children and Young Peoples Services	£80,000 to £85,000
Cheshire and West Chester Council	Head of Social Care Provision	£82,994
East Renfrewshire Council	Chief Social Worker (Assistant Director)	£79,000
East Dunbartonshire	Head of Social Work (Children and Adults)	£78,639 (2012)
Poole	Service Unit Heads: <ul style="list-style-type: none"> • Children & Young People Integrated Services • Children & Young People Social Care • Children & Young People Strategy Quality & Improvement 	£67,147- £71,168 (2010-2011)

	(N.B. these three Service Unit Heads jointly cover the scope of the AD's work in York and are not, therefore, individually at the same level of seniority)	
Solihull Metropolitan Borough Council	Assistant Director, Children Young People and Families	£78,175-£89,917 (2009)
Stockport	Service Director, Children's Safeguarding and Prevention	£79,000-£94,000

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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