



Notice of a public meeting of

Staffing Matters and Urgency Committee

- To:** Councillors Douglas (Chair), Kilbane (Vice-Chair), Ayre and Widdowson
- Date:** Monday, 2 October 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. **Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

2. **Exclusion of Press and Public**

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

Annexe A to Agenda Item 6 (Redundancy, Pension or Exit Discretion Report) 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, 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 2006).

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 26 June 2023.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as **2 working days before the meeting**, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Thursday, 28 September 2023**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. Workforce Profile Report (Pages 7 - 18)

This report provides the committee with the workforce profile, covering the period of 1 April 2023 to 30 June 2023 (Quarter 1).

6. Redundancy, Pension or Exit Discretion Report (Pages 19 - 28)

This report advises the committee of the expenditure associated with redundancy, pension or exit discretions paid in accordance with council policy to employees below Chief Officer.

7. Changes and Updates relating to Chief Officer Posts (Pages 29 - 38)

This report seeks the approval of the committee to consider temporary additional responsibility allowances for the Chief Finance Officer, a job title change to the role of Assistant Director Education, and to note the recent recruitment campaigns and appointments committee outcomes for the Director of Public Health and Assistant Director of Public Health.

8. Appointment of Corporate Director of Adults and Integration and associated Interim Arrangements (Pages 39 - 44)

This report requests the approval to permanently recruit to the post of Corporate Director of Adult Services and Integration ahead of the current post holder vacating the role in December 2023.

9. Work Plan (Pages 45 - 46)

To consider the Committee's work plan for the municipal year 2023-2024.

10. Urgent Business

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

Democratic Services Officer

Reece Williams

Contact details:

- Telephone – (01904) 553954
- Email – reece.williams@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

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City of York Council

Committee Minutes

Meeting	Staffing Matters and Urgency Committee
Date	26 June 2023
Present	Councillors Douglas (Chair), Kilbane, Ayre and Widdowson
Officers in attendance	Ian Floyd – Chief Operating Officer Helen Whiting – Head of HR & OD

Appointment of Vice Chair (17:31)

Members agreed to appoint Cllr Kilbane as the Vice Chair of the Committee.

1. Declarations of Interest (17:32)

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

2. Minutes (17:32)

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 20 March 2023 be approved and then signed by the Chair as a correct record.

3. Public Participation (17:32)

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

4. Appointment of Public Health Roles and Temporary Arrangements (17:32)

The Committee considered the recommendations to begin the process of recruiting a Director of Public Health and the Assistant Director/Consultant in Public Health, as set out in the report of the Chief Operating Officer.

Members were informed that interim arrangements would be required until the roles were filled due to a current leave of absence. It was noted that the Council aimed to advertise for the Assistant Director and Director of Public Health roles from July 2023 with posts being filled by January 2024.

Officers informed that the Council receives a grant that is only to be used for Public Health, and that any expenditure must be proven to have been used for Public Health. Members enquired whether the Council required both a Director and Assistant Director post in Public Health, or whether savings could be made from this Public Health grant to be spent elsewhere on service delivery in Public Health. Officers indicated that a reduction in roles could lead to a deterioration of the level of service which could be provided and that to meet the Council's objectives the current structure was appropriate to meet capacity and provide an effective service. Members also asked whether there was any opportunity for regional Public Health roles to replace the Council's current posts. It was noted that the Council had explored the possibility of joint roles with neighbouring authorities but that there was currently a lack of appetite from other authorities to pursue this.

The votes on the recommendations were as follows:

2 members voted for the recommendations.

2 members voted against the recommendations.

The Chair casted the deciding vote for accepting the recommendations.

Resolved:

- I. Approved the establishment of an Appointments Advisory Committee (AAC) constituted in accordance with NHS Statutory Instruments governing recruitment to a local authority Director of Public Health and a Consultant in Public Health.
- II. Agreed that, in addition to the Executive Member for Adult Social Care and Public Health a representative from the Liberal Democratic group sits on the AAC as nominated by the political group (page 6).
- III. That the AAC to be authorised to conduct the interviews, select the successful candidates, and make offers of employment subject to the necessary employment procedures of the council and Secretary of State for Health (paragraphs 23 to 26).
- IV. Confirmed the pay package for the Director of Public Health, Assistant Director of Public Health and the Acting up arrangements for the Director of Public Health (which will be as and when required given the substantive postholder absence

and up to the appointment of a new postholder) (paragraphs 16, 17, and 22).

- V. Approved the engagement of the North Yorkshire County Council Resourcing Team to undertake the recruitment and selection exercise alongside the HR Team and Chief Operating Officer (paragraphs 27 to 28).

Reason: To progress the appointments to deliver the Council's statutory responsibilities for Public Health.

5. Work Plan (17:49)

Members considered and confirmed the draft work plan for the municipal year 2023-2024.

Resolved: That the members confirm and accept the committee's draft work plan for the municipal year 2023-2024.

Reason: To ensure the Committee maintains a programme of work for the municipal year 2023-2024.

Cllr Douglas, Chair

[The meeting started at 5.30 pm and finished at 5.53 pm].

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Staffing Matters and Urgency Committee

2 October 2023

Report of the Head of Human Resources and Organisational Development

Workforce Profile as at Quarter 1 2023/2024

Summary

1. This report provides the Staffing Matters and Urgency Committee (SMUC) with the workforce profile, covering the period of 1 April 2023 to 30 June 2023 (Quarter 1).

Background

2. The data provided in this report is already available throughout the Council. The workforce data provided through the performance framework, is shared with Scrutiny committees, and discussed at both Corporate Management Team and Directorate Management Teams.

Analysis

3. **Annexe 1** gives a full overview of key performance indicators directly linked to the Council's workforce.
4. Headcount, FTE, and leavers rates are all relatively comparable with the position in Q1 last year, although there are notable figures in dismissals associated with contracts ending and sadly a number of employees have died in service within Q1. Resignation remains the highest reason for leaving followed by retirement. Resignations continue to remain in line with regional figures and despite financial challenges around the region and nationally there continues to be vacancies advertised providing new opportunities, promotions, and career changes for staff to apply. Turnover figures remain relatively static.
5. Work with York (WWY) assignments have continued to be used, but have significantly reduced, agency placements are falling month on month as the Council seeks to make permanent appointments or reduce agency spend. Notable reductions are in

Children's and Adult Social care who now have a much more stable and permanent workforce for the benefit of our service users.

6. There are a number of vacancies that remain unfilled and acting up arrangements are in place with existing members of staff and HR are working with relevant managers to ensure creative recruitment for hard to fill vacancies.
7. Sickness absence figures are starting to fall slowly. The Council does have several employees who are long term sickness cases with terminal illness, for these employees we explore ill health retirement options, but employee absence continues to be part of the absence figures, this may in some cases distort absence figures in some directorates. The Local Government Association (LGA) has published that they propose to set up a benchmarking survey on key workforce statistics for Councils and it is understood that this will include absence; this will not however, dictate how sickness is calculated so there will continue to be variances so direct comparisons will be difficult. We are currently preparing for the next employee survey which will include a focus on well being and this can be reported accordingly and compared with absence reasons.
8. COVID-19 and respiratory absences have reduced in Q1, stress is the highest absence reason. Managers are equipped with tools to support employees with stress and every effort is made to tailor support accordingly.
9. In terms of equalities profiling, the workforce gender and age distribution remain largely comparable year on year. Similarly, the declaration of sexual orientation and disability remains steady as does those employees declaring BME. Noting that over 19% of staff have not provided information for Disability and Ethnicity and over 32% for sexual orientation.
10. We continue to promote and request that employees update their sensitive information (for example disability, ethnicity, sexual orientation) status to allow us to have a closer comparison with our local community.
11. In practical terms we are also working to ensure that our recruitment opportunities are sent to a wide range of community groups to attract and ensure that these are promoted to as many areas as possible of our community. We are also going to undertake a calculation similar to the gender pay gap on the data

that we hold on ethnicity and disability with the caveat that this can only be based on the data that we hold but hopefully promotion and awareness can encourage future completion.

Consultation

12. The contents of the report and Annex have not been consulted on as the data is factual and already available through different sources.

Council Plan

13. The content of the report and annex are not material to the Council Plan but are valuable information to contribute to relevant workforce data evidence and the profile of the workforce has been included in the Council Plan 2023-2027.

Implications and risks

14. There are no implications or risks associated with this report.

Risk Management

Recommendations

15. Staffing Matters and Urgency Committee is asked to:
 - i. Note the workforce profile provided.

Reason: In order to provide an overview of the workforce profile.

Contact Details

Authors:

Helen Whiting,
Head of HR and OD
Ext 1622

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

Ian Cunningham
Head of BI
Ext 5749

Report ✓ **Date** **12/9/2023**
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

Background Papers:

None

Annexes

Annexe 1 – Workforce Data 2023/2024 Quarter 1



Business Intelligence Hub

CYC Workforce Profile 2023/24 Q1

Date Produced: 31/08/2023

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1. Key Performance Indicators

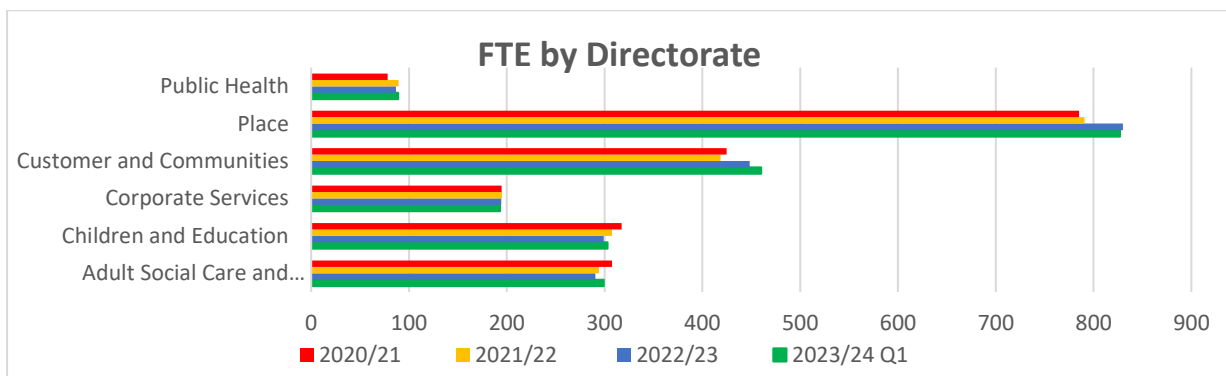
Below are tables containing details of KPI figures for 2020/21, 2021/22, 2022/23 and 2023/24 Q1 figures. Councillors, casual and school staff have been excluded from these figures so as to only account for core CYC staff, historic data has been mapped to match the current Directorate structure for the new Adults & Children's directorate. The majority of the data within this report is available publicly on the York Open Data platform - www.yorkopendata.org

1.1 Staff Headcount (snapshot)

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	2550	2509	2554	2566
Adult Social Care and Integration	386	358	350	359
Children and Education	394	389	364	369
Corporate Services	214	212	210	210
Customer and Communities	594	576	618	624
Place	862	865	906	903
Public Health	100	109	106	108

1.2 Staff FTE's

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	2108	2096	2149	2171
Adult Social Care and Integration	308	294	291	299
Children and Education	317	308	299	303
Corporate Services	195	195	195	193
Customer and Communities	425	419	448	460
Place	785	791	830	827
Public Health	78	89	87	89



1.3 Average Sickness Days per FTE (rolling 12 months)

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	9	12	12	11
Adult Social Care and Integration	18	16	21	20
Children and Education	7	12	16	13
Corporate Services	5	7	6	6
Customer and Communities	6	7	7	6
Place	9	14	12	12
Public Health	7	8	9	7
Benchmark – LGA (Public Sector)	7	N/A	N/A	N/A
Benchmark – LGA (Public Sector – Y&H)	8	N/A	N/A	N/A

1.4 Number of New Starters

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	194	364	443	89
Adult Social Care and Integration	15	88	80	20
Children and Education	59	65	80	16
Corporate Services	15	25	26	5
Customer and Communities	38	68	116	19
Place	53	94	130	25
Public Health	14	24	11	4

1.5 Number of Leavers

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	267	383	394	32
Adult Social Care and Integration	75	84	83	10
Children and Education	46	74	82	12
Corporate Services	22	30	29	6
Customer and Communities	51	81	101	10
Place	61	92	90	27
Public Health	12	22	9	2

1.6 Leaving Reasons (% of Leavers)

City of York Council (exc. schools)	2020/21	2021/22	2022/23	2023/24 Q1
Died in Service	1-2%	<1%	1-2%	4%
Dismissal - end of contract	7%	3%	1-2%	4%
Dismissal - lack of capability	1-2%	1-2%	1-2%	1-2%
Dismissal - misconduct	1-2%	<1%	<1%	3%
Dismissal - probationary period	<1%	0%	<1%	0%
Not known	3%	3%	<1%	0%
Redundancy	1-2%	4%	2%	0%
Resignation	50%	68%	73%	66%
Retirement	19%	20%	17%	19%
Retirement - Ill Health	1-2%	<1%	1-2%	1-2%
Settlement Agreement	<1%	<1%	0%	0%
TUPE Transfer Out	14%	0%	1-2%	0%

1.7 Total Turnover % (rolling 12 months)

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	11%	15%	16%	15%
Adult Social Care and Integration	20%	23%	24%	22%
Children and Education	13%	19%	22%	21%
Corporate Services	10%	14%	14%	11%
Customer and Communities	8%	14%	17%	14%
Place	7%	11%	10%	10%
Public Health	12%	21%	9%	8%
Benchmark – LGA (Public Sector)	9%	N/A	N/A	N/A
Benchmark – LGA (Public Sector – Y&H)	9%	N/A	N/A	N/A

1.8 Number of Voluntary Leavers

Voluntary Turnover occurs when an employee willingly chooses to leave their position through resignation.

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	138	259	275	46
Adult Social Care and Integration	20	51	61	7
Children and Education	32	53	61	9
Corporate Services	13	21	16	4
Customer and Communities	35	60	75	9
Place	34	59	54	15
Public Health	4	15	8	2

1.9 Voluntary Turnover % (rolling 12 months)

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	6%	10%	11%	10%
Adult Social Care and Integration	6%	14%	17%	17%
Children and Education	9%	14%	17%	15%
Corporate Services	6%	10%	8%	6%
Customer and Communities	6%	10%	12%	11%
Place	4%	7%	6%	6%
Public Health	4%	15%	8%	8%

1.10 Work With York YTD – Total Assignments

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	972	995	665	307
Adult Social Care and Integration	159	117	140	75
Children and Education	186	165	122	52
Corporate Services	24	64	17	1
Customer and Communities	69	71	98	39
Place	335	330	286	138
Public Health	199	248	2	2

1.11 Work with York – Long Term Assignments (over 12 months)

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	110	126	83	80
Adult Social Care and Integration	12	14	13	14
Children and Education	24	22	10	15
Corporate Services	2	1	0	0
Customer and Communities	10	8	11	11
Place	62	57	48	39
Public Health	0	24	1	1

1.12 Work with York – Current Assignments

Directorate	2020/21	2021/22	2022/23	2023/24 Q1
City of York Council (exc. schools)	434	486	254	254
Adult Social Care and Integration	39	66	68	57
Children and Education	68	84	41	35
Corporate Services	5	14	0	1
Customer and Communities	25	43	36	33
Place	142	198	107	123
Public Health	155	81	2	2

2. Equalities Profiling

The tables below summary the City of York Council's equalities profile. These were produced using a snapshot of available data taken on 30th June 2023. Councillors, casual and school staff have been excluded. Age data is provided by The local government earnings and demography survey (LGEDS) 2019/20 with all York and National figures used taken from the 2011 Census.

2.1 Gender

	2020/21		2021/22		2022/23		2023/24 Q1	
	Male	Female	Male	Female	Male	Female	Male	Female
City of York Council	38%	62%	38%	62%	38%	62%	38%	62%
Public Sector	34%	66%	34%	66%	34%	66%	34%	66%
York	49%	51%	49%	51%	49%	51%	49%	51%
National	49%	51%	49%	51%	49%	51%	49%	51%

2.2 Sexual Orientation

	2020/21	2021/22	2022/23	2023/24 Q1
Heterosexual	96%	96%	95%	95%
Non-Heterosexual	4%	4%	5%	5%

2.3 Age

		16-24	25-34	35-49	50-64	65+
2020/21	CYC	3%	13%	35%	47%	3%
	Y&H	5%	14%	36%	43%	3%
	England & Wales	5%	15%	36%	41%	4%
2021/22	CYC	3%	13%	33%	46%	4%
	Y&H	5%	14%	36%	43%	3%
	England & Wales	5%	15%	36%	41%	4%
2022/23	CYC	3%	13%	33%	46%	4%
	Y&H	5%	14%	36%	43%	3%
	England & Wales	5%	15%	36%	41%	4%
2023/24 Q1	CYC	4%	13%	33%	46%	4%
	Y&H	5%	14%	36%	43%	3%
	England & Wales	5%	15%	36%	41%	4%

2.4 Ethnicity

	2020/21		2021/22		2022/23		2023/24 Q1	
	White - British	BME	White - British	BME	White - British	BME	White - British	BME
City of York Council	94%	6%	94%	6%	93%	7%	93%	7%
Public Sector	90%	10%	90%	10%	90%	10%	90%	10%
Public Sector – Y&H	95%	5%	95%	5%	95%	5%	95%	5%
York	90%	10%	90%	10%	90%	10%	90%	10%
National	81%	19%	81%	19%	81%	19%	81%	19%

2.5 Disability

	2020/21		2021/22		2022/23		2023/24 Q1	
	Not Disabled	Disabled	Not Disabled	Disabled	Not Disabled	Disabled	Not Disabled	Disabled
City of York Council	95%	5%	94%	6%	93%	7%	93%	7%
Public Sector	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Public Sector – Y&H	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
York	85%	15%	85%	15%	85%	15%	85%	15%
National	82%	18%	82%	18%	82%	18%	82%	18%

2.6 Disability Type (of declared disability)

	2020/21	2021/22	2022/23	2023/24 Q1
Learning disability	11%	9%	13%	15%
Long-standing illness	33%	35%	33%	31%
Mental illness	3%	9%	11%	11%
Physical	10%	10%	8%	8%
Sensory	6%	8%	9%	9%
Other	37%	30%	26%	26%

Note: The equalities data in these tables is based on staff information held by HR. Over 19% of staff have not provided information for Disability and Ethnicity, and over 32% for Sexual Orientation.



Staffing Matters and Urgency Committee**2 October 2023**

Report of the Chief Operating Officer

Redundancy, Pension or Exit Discretion**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with redundancy, pension or exit discretions paid in accordance with council policy to employees below Chief Officer.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases attached as confidential annexes to this report for noting.

Consultation

3. All the proposed redundancy, pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Approval

4. In accordance with Council policy the appropriate Chief Officer of Departmental Management Team and S151 officer have approved the attached business cases. The decisions as to whether to make an employee redundant rest with the Chief Operating Officer or Officers nominated by him. In terms of payments related to redundancy the council is contractually obliged to make the payment set out in the business case. Only in exceptional circumstances can discretionary additional payments for redundancy be considered. The Section 151 Officer has decision making authority for all staff other than Chief Officers in this matter.

Analysis

5. The analysis of each proposal can be found in the respective business case. Below is an anonymised summary of these cases noting costs associated with each:

Employee	Business Case Annex	Type of Exit	Redundancy Costs £	Pension Costs £	Total £
1	A	Flexible Retirement	N/A	£0	£0

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 Organisation Development Plan.

Implications

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

Risk Management

8. The specific risks associated with each proposal and how they can be mitigated are contained in each 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:
- i. Note the expenditure associated with each proposal as detailed in the annexes.

Reason: To provide an overview of expenditure.

Contact Details

Author:

Helen Whiting
Head of HR
Human Resources

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**



Date 18/09/2023

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:

Annexe A – Confidential Business Case

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By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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:

Ian Floyd
Chief Operating Officer

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.



Staffing Matters & Urgency Committee**2 October 2023**

Report of the Chief Operating Officer

Appointment of Corporate Director of Adults and Integration and associated Interim Arrangements.**Summary**

- 1 This report requests the approval to permanently recruit to the post of Corporate Director of Adult Services and Integration ahead of the current post holder vacating the role in December 2023 following the acceptance of a post in another Council.
- 2 As such, formal approval is sought to establish an Appointments Sub Committee for this Chief Officer appointment and to delegate sufficient powers to that Sub-Committee to enable them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the Council's Constitution (Appendix 12 details the Officer Employment Procedure Rules – paragraph 5).
- 3 It is proposed that the recruitment process recruits the Corporate Director post on a like for like basis in terms of grade, portfolio scope, role, and responsibilities as per the current structure, with the only minor amendment that the Assistant Director reports to the Corporate Director rather than the Director of Adults Safeguarding. This does not change evaluations for these Chief Officer posts.
4. Given the statutory role status it is also requested that interim arrangements are made for the current Director of Adults Safeguarding to act up in the role of Corporate Director for a short period pending the outcome of the recruitment exercise. This acting up will be undertaken alongside the current Directors role as far as reasonably practical with the assistance of the Assistant Director of Adult Social Care.
5. This report also asks for approval to engage North Yorkshire County Council Resourcing Team in the recruitment process.

Background

6. This role was created as part of the review of the People Services Directorate and was appointed to in March 2022. The current postholder has led the directorate, developed a strong workforce, strengthened partnership working with key partners and reviewed commissioned services across the Council and identified savings.
7. This role alongside other Chief Officers roles will be subject to a structural review, however, given the importance of this role for both the Council, Health, and Place partners and that the Council must have a designated officer to take on the statutory role of Director of Adult Social Services (DASS) this role must be filled.

Remuneration Package

8. The post is covered by Chief Officer terms and conditions and the postholder will be a member of the Corporate Management Team.
9. The Committee is asked to confirm the pay package for this post which will be offered to the successful applicant. The salary is currently set within the Corporate Director grade range of £108,789 to £119,721.
10. If appropriate, the successful applicant would be able to access the Council's relocation scheme, which provides relocation financial support up to the £8000. The Council's scheme is in line with HRMC rules.

Appointments Panel

11. The Council's Constitution allows for an Appointments Sub Committee for Chief Officer posts of no less than three elected members, including at least one member of the Executive (Council Constitution Article 11 paragraph 3.5).
12. Members are requested to consider and confirm panel nomination names and a Chair of the recruitment to progress. It is anticipated that the members appointment panel will take place as soon as practically possible hopefully around December 2023.
13. To attract the strongest field of candidates with the right knowledge and skills it is recommended that North Yorkshire Council Resourcing Team carry out the external recruitment exercise, and are engaged to support the Appointments Sub-Committee due to the teams

experience of dealing with Chief officer appointments, they have also recently undertaken an exercise to recruit for an Adults Services Chief Officer post for North Yorkshire and will therefore, have an up to date knowledge of potential candidates.

Interim Arrangements

14. It is proposed that the role of Corporate Director and the Statutory role of DASS will be covered on an interim basis by the current Director of Adult Safeguarding supported by the Assistant Director of Adult Social Care as appropriate between the Corporate Director leaving and the new postholder starting. This will achieve some vacancy savings, the size of which will depend on when the current postholder leaves and the new postholder commences. The Chief Officer covering the role will ensure that priorities are delivered and ensure that the workforce is managed and supported during the interim period of a new appointment.

Council Plan

15. Making an appointment to this post will contribute to the delivery of the Council's Plan 2023 (One City, for all), the 10 Year Plan for the City and the Health and Wellbeing Strategy and the Labour Group pledges of health inequalities, environment, affordability human rights and equalities.

Implications

Financial Implications

16. The Corporate Director post is within the pay range of £108,789 to £119,721. The total cost, including on costs, is £139,249 to £153,242. The recruitment costs will be approximately £5500 to £8000 which includes the cost of advertising on professional social care / recruitment social media platforms. The cost of this post, and the associated recruitment costs, will be managed within existing departmental budgets.
17. For the interim cover, the difference between the current postholder's grade (Director - £96,574 to £106,857) and the Corporate Director (as above) will be assigned and therefore, there will be a small saving and vacancy factor achieved between when the current post holder leaves and the new post holder commences.

Human Resources Implications

18. The job description has been confirmed via job evaluation to remain within the Corporate Director profiles. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocol as outlined in the Council's Constitution.

Equalities Implications

19. The post will be recruited in accordance with the council's Equalities Policy.

Legal Implications

20. All Chief Officer posts are politically restricted pursuant to the Local Government and Housing Act 1989.

It is the statutory responsibility of the Head of Paid Service to ensure that a structure is in place which can effectively and efficiently discharge the council's differing functions and to determine the organisation of the authority's staff alongside their proper appointment and management.

The process of appointing Chief Officers is regulated by the Local Authority (Standing Orders) (England) Regulations 2001 (as amended). Amongst other things, these regulations require that an appointment committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

In respect of appointment to Chief Officer posts, the Council is required to comply with the Officer employment procedures as outlined in the council's Constitution.

Crime and Disorder, Information Technology and Property

21. There are no known crime and disorder, information and technology and property risks.

Risk Management

22. There are no known risks associated with the recommendations in the report other than the potential risk to delivery of services and delivery of the priorities identified in the Council Plan if the committee either fails to or delays setting up an Appointments Sub Committee for the recruitment of this post.

Recommendations

23. It is recommended that the Committee:
- i. Confirms the pay package for the vacant role to be advertised for the Corporate Director of Adult Social Care and Integration **(paragraphs 8 to 10)**.
 - ii. Establishes an Appointments Sub-Committee for the role. To delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment **(paragraphs 11 to 12)**.
 - iii. Approves the engagement of the North Yorkshire County Council Resourcing Team to undertake the recruitment and selection process **(paragraph 13)**.
 - iv. Approves the interim appointment of the Director of Adults Safeguarding to cover the role of Corporate Director of Adults and Integration and the statutory role the DASS **(paragraphs 14)**.

Reason: To allow timely appointment to the vacant post of Corporate Director of Adult Social Care and Integration in line with the council's Constitution and relevant legislation.

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

Report ✓ **Date** 20/09/2023
Approved

Specialist Implications Officer(s)

Bryn Roberts – Director of Governance and Monitoring Officer
Debbie Mitchell – Chief Finance Officer and s151 Officer

Wards Affected:

All ✓

For further information please contact the author of the report

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Background Papers:

Council Constitution - Appendix 12 details the Officer Employment Procedure Rules – paragraph 5

<https://democracy.york.gov.uk/documents/s165183/Appendix%2012%20-%20Officer%20Employment%20Procedure%20Rules.pdf>

Council Constitution Article 11 paragraph 3.5.

<https://democracy.york.gov.uk/documents/s162755/Article%2011-%20Staffing%20Matters.pdf>

Staffing Matters & Urgency Committee
Draft Work Plan 2023-24
(updated 2nd October 2023)

Date	Proposed Reports
New date 2 nd October 2023 (Former date 4 th September 2023)	<ol style="list-style-type: none"> 1. Workforce demographics as at June 2023 (Q1) 2. Redundancy, Retirement and Settlement Agreements 3. Quarterly Retention Payments Update (if any new applications 30th June to 31st September 2023) – No report as no new retention payments 4. Appointment of Corporate Director Adult Social Care and Integration 5. Changes to Chief Officer Posts: Chief Finance Officer and Assistant Director of Education
4 th December 2023	<ol style="list-style-type: none"> 1. Workforce demographics as at September 2023 (Q2) 2. Redundancy, Retirement and Settlement Agreements 3. Quarterly Retention Payments Update (if any new applications 30th September to 31st December 2023)
4 th March 2023	<ol style="list-style-type: none"> 1. Workforce demographics as at December 2023 (Q3) 2. Redundancy, Retirement and Settlement Agreements 3. Quarterly Retention Payments Update (if any new applications 1st Jan to 31st March)

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