

## Notice of meeting of

### Urgency Committee

**To:** Councillors Steve Galloway (Chair), Gillies, Jamieson-Ball, Potter and Scott

**Date:** Friday, 29 June 2007

**Time:** 2.00 pm

**Venue:** The Guildhall

### AGENDA

#### 1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the 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 2-5 to Agenda Item 3 (Pay Supplement for Assistant Director of School Improvement and Staff Development) on the grounds that they contain information relating to any individual and the financial and business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraphs 1 & 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. Pay Supplement for Assistant Director of School Improvement and Staff Development (Pages 3 - 24)**

This report asks Members to approve a pay supplement for an Assistant Director (AD) post within Learning, Culture and Children's Services, pending a wider review of AD salaries.

**4. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – [simon.copley@york.gov.uk](mailto:simon.copley@york.gov.uk)

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

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, 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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**Urgency Committee****29 June 2007**

Report of the Director of People &amp; Improvement

**PAY SUPPLEMENT FOR ASSISTANT DIRECTOR OF SCHOOL IMPROVEMENT AND STAFF DEVELOPMENT****Summary**

1. This report asks Urgency Committee to approve a pay supplement for an Assistant Director (AD) post within Learning Culture and Children's Services, pending a wider review of AD salaries. It is urgent because of the need to fill the post of AD of School Improvement and Staff Development in LCCS, following the decision of the current post holder to retire, and the inability to fill the post having already failed one attempt to recruit at the current salary.

**Background**

2. The Council has identified a need to review Chief Officer pay in order that it remains able to attract and retain high calibre staff and that we have the pay policy tools to be flexible and responsive to changing market demands. To this end, a review of Chief Officer pay is currently underway. This review will to consider the Councils market position as well as the structure of its reward system for Chief Officers.
3. In the meantime, there is a short term consideration around the need to supplement base salary for this particular AD post which has proved difficult to fill. The job description for the post can be found in annex 1. Elected Members have previously indicated a willingness to consider a supplement to allow this post to pay up to £75,000, which is approximately £5,000 higher than the top of the grade of the existing post (£69,918, pay award pending). The proposals in this paper are not designed to set any precedents for the outcome of the wider Chief Officer pay process, which will be subject to a separate report and decision making process. It is acknowledged that there is a possibility that other Chief Officers may seek to utilise the outcome of this report in support of their own position. However the proposals in this report arise from a very specific set of circumstances and any such issues will be dealt with on a case by case basis with any actions arising requiring a separate Member decision.

**Consultation**

4. Consultation has been undertaken with key members and officers.

5. An important consideration is the need to ensure that if a supplement is introduced that it is sufficient to meet the market forces objective, and is also legally fair and equitable. Any proposal for a mechanism to address the recruitment difficulties with the above named LCCS post must also consider its overall fit and equity across the Chief Officer community.

### **The Market Position**

6. Research has been undertaken across the market for this post, the results of which can be found in annex 2.

### **Testing the Market**

7. As is sometimes the case, when the Council has tested the market it has found that, in addition to the salary being offered for the post being below the market average, a salary above average would be required to attract the right calibre of candidate to move from their existing post. Given the excellence of service provision in this area, the Council would clearly wish to attract a high caliber candidate which would be difficult if the average or below average salary was being offered.
8. Whilst financial reward is rarely a key motivator for individuals in this sector, the “wrong” salary can be a deterrent. Potential candidates will quickly form a view of the seniority and significance of the role by assessing the salary at which it is pitched. In the context of a very competitive market, with candidates having the ‘pick of the market’ many people are less inclined to take a sideways move and very few will take a drop in salary in order to develop their careers. Very early on in the search process the recruitment consultant engaged for this post (Navigate) identified that the salary on offer for this post in York would not be sufficient to motivate a move from the target candidate pool.
9. Navigate has gathered data from adverts, the candidates who applied for the Director of Children’s Services post at York and data from previous searches in order to provide an overview of the current level of salaries on offer for second tier officers in Children’s Services. It is difficult to compare these roles directly to the AD post in the Council due to the different relative sizes and structures of the Local Authority’s, although they do provide a useful indication of the salaries on offer in this profession. The results of this exercise can be found in annex 3.
10. The salary initially offered was not considered sufficient to motivate a third tier officer to take on the post and Navigate’s opinion was also that for many fourth tier officers, the slight salary increase did not reflect the shift in managerial responsibilities. In order to attract an experienced serving Headteacher for example Navigate’s opinion was the salary would need to be c£75k+ and in order to attract a senior manager with significant experience of school improvement (with Headship experience or senior management experience within an educational establishment) the salary would need to be more in the region of £75k-£80k. The data gathered to support this opinion can be found in annex 4.

## Recruitment Activity

11. An summary on the recruitment activity undertaken for this post can be found in annex 5. In conclusion it seems highly unlikely that the Council will be able to recruit this post at a salary level of less than £75k.

### Options

- Option 1 – Pay the pay supplement as a ‘market supplement’ in addition to basic pay
- Option 2 – Pay the pay supplement in addition to basic pay based on performance in the post
- Option 3 – Consolidate the pay supplement into the basic pay for the post

### Analysis

- Option 1 – Pay the pay supplement as a ‘market supplement’ in addition to basic pay
12. Market supplements are very flexible and allow the organisation to respond to the changing employment market without making an on-going commitment into basic pay that cannot be removed at a later date. Market supplements are paid in addition to basic pay in order to make the total salary of the post attractive to candidates. In order to ensure fairness and not to open the Council to legal challenge, market supplements should be regularly reviewed. The difficulty with such reviews is that they make the market supplement unattractive to candidates who often then view the salary as the basic salary for the post and consider the reviewable market supplement as a ‘bonus’ and in this case it is unlikely that offering the market supplement on a reviewable basis would enable the Council to recruit to the post.
  13. In order to address this, the market supplement could be applied for the duration of the tenure of the post-holder. Such an approach would effectively consolidate the market supplement into the individual’s basic pay and would greatly increase the likelihood of a successful recruitment exercise. This approach would carry a slightly higher risk of legal challenge than applying a supplement with a regular review process attached, but in the wider risk context of not being able to recruit to the post, this option is considered to carry less risk overall and, if this option is preferred, such an approach would be recommended. In this context it is also important to note that the new Director of LCCS has a social care background and this post would necessarily be the Council’s most senior adviser on education matters.
    - Option 2 – Pay the pay supplement in addition to basic pay based on performance in the post
  14. Performance related pay differs from market supplements in that the overall salary of the job is uplifted to a level which would attract candidates, in this case £75,000, but an element of the salary, typically between 5% and 10%, would be

dependant on performance in the post during the year. Such performance would be measured objectively against pre-agreed criteria with the pay supplement being whole or part paid in a lump sum after this annual assessment. PRP is subject to superannuation and can either be consolidated into basic pay upon payment, or it can be paid as a non-consolidated sum. A draft proposal for PRP is enclosed in annex 6.

15. The Council does not currently operate any PRP arrangements for any post other than for the new Chief Executive position and does not have the supporting performance management infrastructure to enable an objective and defensible assessment of performance to be undertaken. Whilst such systems can be developed, it would not be possible to have undertaken this work in order to match the recruitment timetable for this post and if PRP is considered to be desirable by Urgency Committee as a general concept, it would be proposed to roll this work up in the wider Chief Officer pay review currently underway and not apply PRP to this post in isolation.

Option 3 – Consolidate the pay supplement into the basic pay for the post

16. Consolidation of a pay supplement into basic pay effectively means that the basic salary of the post is simply increased. Such arrangements are inflexible in that the salary can not be reduced at a later date if the employment market changes. The lack of a performance element to the payment may also be undesirable in organisational terms.
17. City of York Council has an agreed job evaluation scheme and associated grading structure for Chief Officer posts. The maximum salary within the Chief Officer grading structure is £69,918. At the time the grading structure was implemented (July 2005) it was recognised that the salaries did not fully reflect the market position of some posts and since that time the market has shifted upwards even further. The Council has already recognised this issue, hence the wider review of Chief Officer pay currently underway.
18. In this instance the post of AD of School Improvement and Staff Development in LCCS has been evaluated and has been found to fall within the Council's existing Chief Officer grade range. Whilst it would be possible for the Council to create an additional grade above the existing top grade, a systematic analysis of the post has determined that there would be no justification for simply increasing the salary for this post and not other Chief Officer posts which fall into the current grade without reference to the wider pay review. The timescales associated with the recruitment to this post and the risk of not being able to recruit to the post imminently mean that it is not possible to wait for the outcome of the Chief Officer pay review to address this issue.

### **Corporate Priorities**

19. The recommended course of action in this report supports all the Council's priorities by providing for continuity of overarching officer leadership on all key priorities, and especially the Community and Council leadership priorities.



## Implications

20. The report has the following implications:
- a. Financial** – The Director of LCCS will manage the financial implications within the budget envelope of LCCS.
  - b. Human Resources (HR)** – Pay supplements are a significant development for the Council and the implications. Therefore any proposal must be subject to an equality impact assessment. Equal Pay legislation and supporting case law requires that a supplement to pay must not be discriminatory on the grounds of gender. A market supplement would not be paid to all jobs and therefore the basis of payment must be that the market demands it. In addition, to minimise exposure to the risk of grievances and claims for indirect discrimination any pay supplement would have to be applied to all posts identified by the market research, regardless of whether they are vacant or not. There will also need to be a significant piece of staff communication to Chief Officers. Equally the addition of a performance related pay supplement would also need to be considered for all Chief Officer posts, although this can be undertaken as part of the on-going Chief Officer pay review. Consolidation of a pay supplement into basic pay as described in option 3 would create inequality within the existing Chief Officer grading structure which could lead to legal claims from other Chief Officers.
  - c. Equalities** - There are significant equalities implications which are described above/
  - d. Legal** - There are no legal implications other than those under the HR implications and the relevant approvals under the Council's constitution.
  - e. Crime and Disorder** - There are no crime and disorder implications
  - f. Information Technology (IT)** - There are no IT implications
  - g. Property** - There are no property implications
  - h. Other** - There are no other implications

## Risk Management

21. In compliance with the Council's risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives (strategic), to deliver services (operational), leading to financial loss (financial), damage to the Council's image and reputation and failure to meet stakeholders' expectations (governance).
22. Measured in terms of impact and likelihood, the risk score has been assessed at 20, placing the issue in the high category. Implementation of the recommendation in this paper will reduce the risk to medium.
23. The management of this risk provides the Council with the opportunity to provide enhanced and effective services to all Council customers.

## Recommendations

24. It is recommended that Urgency Committee:

- (i) agrees to implement a supplement which allows the Director of LCCS to pay up to £75,000 in the particular case of the AD for School Improvement and Staff Development in order to facilitate successful recruitment with £5k being applied as a market supplement for the tenure of the postholder.
- (ii) recognises the onward consequences of this particular supplement and the outcome of the review of Chief Officer Pay.

Reason:

In order to enable the Council to recruit to the post of AD for School Improvement and Staff Development

### Contact Details

**Author:**

Author's name: **Chris Tissiman**  
Title: **Head of HR Services**  
Dept Name: **Chief Executives**  
Tel No. (55)1715

**Chief Officer Responsible for the report:**

Chief Officer's name: **Heather Rice**  
Title: **Director of People and Improvement**

**Report Approved**  **Date** June 2007

*Chief Officer's name:* Heather Rice  
*Title:* Director of People and Improvement

**Report Approved**  **Date** June 2007

**Specialist Implications Officer(s)** *List information for all Financial*

*Name* Simon Wiles  
*Title* Director of Resources  
*Tel No.* 1100

*Human Resources*  
*Name* Chris Tissiman  
*Title* Head of HR Services  
*Tel No.* 1715

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

All

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

**Background Papers:**

None

## **Annex 1 – Job Description**

### **Assistant Director (School Improvement and Staff Development)**

#### **1. Purpose of the job**

- 1.1. To be responsible for the operational and strategic management of the services located within 'School Improvement and Staff Development'. These include the Education Development Service (Advisers and consultants), the Training and Development unit, The Ethnic Minority Service (Traveller Education Service and Ethnic Minority Achievement Service), School Governance, Behaviour Support (including the Bridge Centre), The Pupil Support Centre (including the PRU and the Skills Centre),
- 1.2. To ensure that the authority discharges its statutory and non statutory responsibilities for raising standards in schools,
- 1.3. To co-ordinate services providing management, curriculum, learning and behaviour support for schools,
- 1.4. To be responsible for the Children's Services Workforce Development Strategy,
- 1.5. To provide education for pupils who have been excluded from mainstream education.

#### **2. Main responsibilities**

- 2.1. To act as the Chief Adviser for the authority taking responsibility for the city-wide school improvement strategy;
- 2.2. To monitor school standards and be responsible for the LA protocol for working with schools based on the New Relationship with Schools (NRwS);
- 2.3. To ensure effective local delivery of the National Strategies for raising the standard of pupil performance at all key stages;
- 2.4. To provide professional and technical advice to schools on all aspects of the Ofsted Framework for Inspection including leadership and management and curriculum provision;
- 2.5. To provide professional and technical advice to school governors on all aspects of their responsibilities, ensuring that school governance is effective and meets statutory requirements;
- 2.6. To be responsible for making provision for the education of all pupils of statutory school age;
- 2.7. To be responsible for the authority's contribution to the 14 – 19 strategy for the city of York;
- 2.8. To be the lead officer for the Joint Area Review (JAR) and for ensuring that the authority achieves positive and improving inspection reports from Ofsted;
- 2.9. To be responsible for the Workforce Development Strategy and the associated programme of staff development to support the management of change;
- 2.10. To be the champion for corporate activity to support the skills strategy for the city;
- 2.11. To lead on the submission of bids for external funding to support initiatives in schools, particularly where opportunities are made available for additional resources through the standards fund;
- 2.12. to maintain and support relationships with key stakeholders and to represent the authority on key external bodies at local and regional level;
- 2.13. To be responsible for the performance management of the services specified in Section 4 (Organisation);
- 2.14. To fulfil Chief Officers' responsibilities under HR procedures including decision making regarding the employment of staff in School Improvement and Staff Development;

- 2.15. To set management objectives and targets within School Improvement and Staff Development and to allocate, manage and monitor resources to deliver agreed policies on time and to budget;
- 2.16. To be a member of the Departmental Management Team for *Learning, Culture and Children's Services*.

### **3. Knowledge, Skills and Experience**

#### *Essential Knowledge and Experience*

- A successful track record of achievement in Children's Services;
- knowledge and a significant understanding of the legislative framework and key issues relevant to school improvement and the role of the Local Authority;
- Knowledge and understanding of provision in schools for children and young people with Learning Difficulties and Disabilities (LDD);
- Knowledge and understanding of the work of the CWDC and the TDA and requirements of a workforce development strategy;
- A degree level qualification and/or professional managerial qualification (such as PGCE or equivalent);
- Significant experience leadership and management at a senior level in schools, preferably as a Headteacher;
- Substantial record of achievement in successfully managing change and large-scale projects;
- Significant experience of successfully motivating, managing, persuading and leading staff;
- Wide experience of successful inter-agency working and demonstrable success in developing effective collaborative working with a range of stakeholders to achieve objectives;
- Evidence of successfully developing and delivering strategy to meet business objectives and achieve planned results;
- Evidence of significantly improving service delivery;
- Evidence of successfully managing large and complex budgets;
- Evidence of success in building effective working relationships with representatives of the GO, DfES, QCA, CWDC, TDA and OFSTED.

#### *Skills*

- Highly effective leadership and motivational skills that develop and inspire others, promote high standards and collaborative working amongst internal and external stakeholders;
- Outstanding interpersonal, negotiating and commissioning skills;
- Excellent verbal and written communication skills that are persuasive, informative and effectively engage the interests of a wide range of audiences;
- IT skills and the ability to fully exploit access to modern computer technology;
- Highly developed skills in numeracy and budget management;
- Well developed strategic and operational management skills;
- Corporate and service planning skills that ensure effective resource management, service delivery, best value and continuous improvement;
- Analytical skills that contribute effectively to the identification of development and trends, prioritisation and problem solving.

#### *Competences*

- Knowledge and significant understanding of the legislative frameworks and key issues relevant to the provision of services by local government;

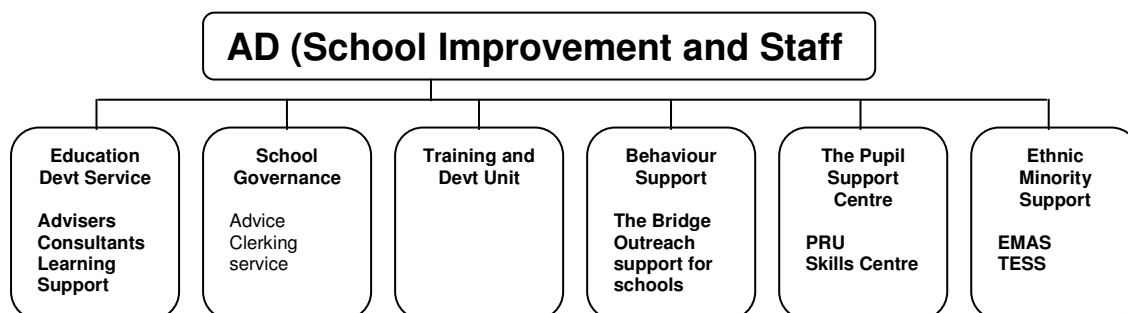
- The ability to think and act strategically at corporate and service levels, be creative and seek innovative solutions to problems;
- The ability to contribute directly and effectively to the successful management of change;
- The ability to analyse complex issues and rapidly present imaginative and practical solutions;
- The ability to recognise and respond to the needs of pupils, parents, customers and citizens, anticipate developments, plan ahead and exploit changes;
- The ability to establish and maintain purposeful commissioning, monitoring, review and evaluation processes;
- The ability to manage own time effectively, working under pressure to tight deadlines and taking responsibility for own professional judgement;
- The ability to chair high level meetings of senior staff on topics of a complex multi-agency nature;
- The ability to secure productive working relationships with elected Members.

*Attitude and Behaviour*

- Excellent inter-personal skills;
- A customer focused approach to service delivery;
- An open-minded approach to new opportunities and challenges;
- Commitment to seeking ways to continually improve service delivery and standards;
- Commitment to openness with stakeholders, securing equality of opportunity, tackling institutional and personal prejudices and promoting a positive and unprejudiced attitude towards all sections of the community;
- Awareness of how to achieve good industrial relations and evidence of experience in effective negotiations with staff and their representatives;
- Political awareness and sensitivity to the needs of elected Members and the local democratic process.

**4. Organisation**

The Assistant Director (School Improvement and Staff Development) will be responsible for managing all of the services identified in the organisation chart below:



This represents a number of changes in the span of responsibility of the Assistant Director (School Improvement and Staff Development) with effect from 1 March 2007. These are as follows:

- EDS to assume responsibility for all curriculum support for pupils with special educational needs, under the overall management of the Adviser for SEN, including the transfer of Learning Support Staff from Access and Inclusion.
- Behaviour support services to be reorganised to create a clearer distinction between services designed to maintain pupils in mainstream education (outreach support and the Bridge Centre), and provision for pupils who have been excluded from

- mainstream education or need work related learning (The PRU and the Bridge Centre).
- Ethnic Minority Support Services to be transferred directly from Access and Inclusion in their current form.

The changes in the scale and nature of responsibilities covered within the single service arm are significant. In order to acknowledge this, the post of Principal Adviser will be created from within the existing establishment to take operational responsibility for the EDS

## 5. Dimensions

### 5.1. Annual Budgets.

The figures below are for the financial year 2007 – 08

<b>School Improvement and Staff Development Budget</b>	<b>£000's</b> Expenditure	<b>£000's</b> Income	<b>£000's</b> Total
Education Development Service	2,479	924	<b>3,403</b>
Behaviour Support Service (Incl. Bridge Centre)	1,570	297	<b>1,867</b>
The Pupil Support Centre (incl. Skills Centre)			
Learning Support Services	576	101	<b>677</b>
School Governance Service	161	89	<b>250</b>
Training and Development Unit	542	203	<b>745</b>
Ethnic Minority Service	522	263	<b>785</b>
Standards Fund	8,115	7,436	<b>15,551</b>
<b>Total</b>	<b>13,965</b>	<b>9,313</b>	<b>23,278</b>

### 5.2. Staffing

<b>Service</b>	<b>FTE</b>
Education Development Service	24.87
Behaviour Support Service (Incl. Bridge Centre)	8.05
The Pupil Support Centre (incl. Skills Centre)	32.14
Learning Support Services (Inclusion Support)	5
School Governance Service	5.18
Training and Development Unit	4.90
Ethnic Minority Achievement Service + Traveller Service	10.67
<b>Total</b>	<b>90.81</b>

## 6. Contacts

- 6.1. The post holder meets every week with the Director for a 1:1, and with other members of the DMT at a regular, scheduled meeting to agree the strategic direction of the Directorate and to make key decisions as agreed within the constitution and the scheme of delegation.
- 6.2. The post holder chairs the termly briefing meetings for the Chairs of school governing bodies and attends meetings of Headteachers, and the directorate's Joint Consultative Group.

- 6.3. The post holder meets and negotiates with individual headteachers, Chairs of Governors and key stakeholders in managing and resolving specific issues.
- 6.4. The post holder convenes and manages meetings of key working groups and panels, including the Primary Strategy Group, and individual School Improvement Boards.
- 6.5. Internally, there are established mechanisms and expectations in place for contacts with all levels of staff within the organisation in structured and non structured settings.
- 6.6. There is also regular and close contact with the Chief Executive of the local authority, the Executive Member for Children's Services, Inspectors from CSCI/Ofsted, senior staff within the GO:Y&H, Senior staff including directors from other departments within the City Council and the Director of the National Strategies in the region.
- 6.7. The nature of the post requires close liaison with key partners in the city at a senior level including the Children's Trust (YorOK), the Lifelong Learning Partnership, FE and HE institutions in the city, and NYBEP (North Yorks Business Education Partnership).

## 7. Decisions

- 7.1. The post holder is required to take key decisions and act with minimal supervision. The post holder has extensive freedom to think, to work through diverse and complex issues and then to take appropriate action.

### 7.2. *Strategic.*

The post carries lead responsibilities for:

- Meeting the Local Authority's statutory responsibility for raising standards in schools,
- Ensuring that the Local Authority has appropriate arrangements for workforce development,
- Making appropriate arrangements to secure and maintain effective governance of schools in accordance with statutory requirements.

### 7.3. *Operational.*

The post carries overarching responsibility for high level decisions within the portfolio of services that are included within the Service Arm. This is specifically demonstrated through named decision-making responsibilities for:

- Making decisions about the position of individual schools within the new LA protocol for working with schools,
- Setting Local Authority targets for pupil performance and undertaking a dialogue with schools about target setting,
- Leading interventions by the Local Authority to secure at least satisfactory provision of education in schools,
- Ensuring that appropriate provision is available for children and young people who are educated other than at school.

### 7.4. *Financial.*

The post carries responsibility for the management of the budget for School Improvement and Staff Development described at Section 5. Specifically the postholder has delegated authority as provided in the scheme of delegation.

7.5 *Human Resources.*

The postholder carries responsibility for the workforce within School Improvement and Staff Development to:

- implement personnel policies for recruitment, disciplinary and training,
- alter the establishment of the service as provided in the scheme of delegation and subject to the approval of DMT,
- approve additional leave entitlement,
- approve relocation and car user payments within council policy.

7.6. The consequences of ineffective working of the postholder would be to place the authority at risk of investigation and intervention by Ofsted, the DfES and the GO:Y&H.



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

Document is Restricted

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**Annex 6 –Draft Proposal for a Performance Supplement**

Subject to the satisfactory achievement of agreed targets as outlined in your Annual Objectives document as part of your Performance & Development Review (PDR) process, you will be entitled to a Performance Supplement of up to 10% of your base salary, payable at year end, in accordance with the following scale:

<b>Performance achievement</b>	<b>Performance Supplement Payable</b>
Less than 60% of targets achieved	Nil
60% targets achieved	4% of base salary
80% targets achieved	6% of base salary
90% targets achieved	8% of base salary
100% targets achieved	10% of base salary

This scale is modelled on the following principles;

- Simple to understand and administer
- Pay is a reinforcer not a motivator
- Reward is for outputs / outcomes
- Payout is weighted against high performance

Therefore, it's design is:

- A simple linear scale
- No supplement for below average achievement, i.e. less than 60%
- Final 2% supplement for remaining 10% achievement

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