

REPORT TO:	Appointments Committee 17th March 2021
SUBJECT:	Review of temporary chief officer cover arrangements
LEAD OFFICER:	Sue Moorman, Director of Human Resources
FINANCIAL IMPACT:	
<p>There is no additional expenditure arising directly from the recommendations contained in this report beyond the salaries that are being paid to the individuals providing cover in these essential roles</p>	
1. RECOMMENDATIONS:	
<p>Members of the Appointments Committee are recommended to:-</p>	
1.1	<p>Agree, in accordance with paragraph 3.3(1) of Part 4J (Staff Employment Procedure Rules) of the Constitution, to delegate to the Head of Paid Service the decision whether or not to extend current temporary cover arrangements for the Chief Officer posts set out in recommendation 1.2. for a further period of up to six months, pending the approval of the senior management reorganisation and subsequent permanent recruitment processes via the Appointments Committee. The delegation to be subject to the usual notification requirements in paragraph 3.3.3 and notifying any extension of the temporary appointments to the next meeting of full Council.</p>
1.2	<p>Note that the chief officer roles in consideration are :-</p> <ul style="list-style-type: none"> 1.2.1 Executive Director of Children, Families and Education 1.2.2 Assistant Chief Executive 1.2.3 Director of Education 1.2.4 Director of Commissioning and Procurement 1.2.5 Director of Children's Improvement & Quality
1.3	<p>For the appointment committee to note the 3 months extension of the agency placement cover for the Director of Housing and Social Investment.</p>

2 EXECUTIVE SUMMARY

- 2.1 In accordance with paragraph 3.3 of the Staff Employment Procedure Rules (Part 4J) in the Council's Constitution, the appointment of Chief Officer posts is a matter reserved for an Appointments Committee, unless specifically delegated by them. The Head of Paid Service may make temporary appointments of chief officers up to six months, with notification to the next full council meeting.
- 2.2 The council has commenced a comprehensive set of improvement activities, as detailed in the Croydon Renewal Plan and to ensure a focus on delivery, there needs to be robust management of the organisation. There are a currently a

number of temporary cover arrangements in place at chief officer level that are due to conclude at the end of March 2021. These are in place primarily pending the planned reorganisation of the top 3 tiers of the council's management. Cover is in place to ensure continuity and support for all staff teams pending the implementation of any new agreed structure.

- 2.3 The planned timetable for implementation has been necessarily delayed due to other internal processes that have taken precedence. This has meant that recruitment to key appointments has not started as anticipated. It is therefore necessary for good operational and business efficiency that the cover arrangements are extended to provide continuity and ensure progress on key projects is not delayed.

3 BACKGROUND AND CONTEXT

- 3.1 In September 2020 a number of fixed term appointments and secondments were made at chief officer level from internal resources, to maintain Director level accountability for a number of key areas of service. It was recognised that as an interim chief executive had been appointed, there needed to be a period of temporary cover as a fuller assessment of the needs of the organisation was undertaken.

- 3.2 The Director posts in question were:-

3.2.1 Director of Education, had been planned for permanent recruitment but it was agreed to pause this and extend the temporary arrangements to 31st March 2021.

3.2.2 Director of Commissioning & Procurement, the permanent postholder had resigned and a secondment was offered until 31st March 2021.

3.2.3 Director of Children's Improvement and Quality, this was a temporary role until 31st March 2021

- 3.3 Separately at the executive leadership level the permanent Executive Director of Children, Families and Education had resigned and the interim CEO made a six month appointment, in accordance with the delegations in the constitution, to the role. Additionally, working with the local government association a six month appointment for an Assistant Chief Executive, to work with the CEO was agreed. Both these arrangements are also due to expire on 31st March 2021.

- 3.4 The Interim CEO started extensive consultation on a set of proposals for the reorganisation of the top three tiers of management on 9th December 2021. The organisation responded with constructive feedback and support for the changes and the consultation ended on 31st January 2021.

- 3.5 Due to other issues arising in regard to the existing management arrangements, the restructure had to be paused whilst full consideration takes place. Planning is underway to determine how to restart the process.

- 3.6 Whilst these issues are under proper consideration, it is recognised that the organisation needs some managerial stability to maintain service delivery and work on the Renewal Plan. Staff confidence in management arrangements is crucial as is a sense of continuity, where possible in the short term.
- 3.7 The current temporary post holders are currently fully engaged in the planning and delivery of the budget of their services and are providing operational oversight and guidance to the services. There are no concerns about their performance and there are suitable and sustainable backfill arrangements in place.
- 3.8 The Improvement and Assurance Panel have expressed concerns about the need for the organisation to resolve its restructure and have in place a fully staffed senior management team. Also they have advised us to ensure that the Council has appropriate interim arrangements whilst that concludes.
- 3.9 In taking the decision to delegate the decision to extend the temporary arrangements for up to a further 6 months to the CEO in this instance, will ensure quick reassurance for the staff concerned and the organisation more generally. Also as it is possible that as some of these individuals will come before an Appointments Committee later as part of the restructure, the delegation of the decision to extend will provide a level playing field for assessment at that later time with any other candidates.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no additional finance requests beyond payment of salaries that are committed in the budget to cover these fixed-term contract extensions.
- 4.2 Approved by: Matt Davis, Deputy S151 Officer

5. LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that the Council may generally appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.
- 5.2 The function of appointment of a member of staff of the authority must generally be discharged, on behalf of the authority, by the Head of Paid Service or by an officer nominated by the Head of Paid Service. However, paragraph 3.3(1) of the Staff Employment Procedure Rules in Part 4J of the Constitution provides that with regard to the appointment of Chief Officers the function will usually be carried out by the Appointments Committee.

- 5.3 The definition of 'Chief Officer' in Part 4J of the Constitution includes interim appointments to Chief Officer positions such as the posts set out in paragraph 1.2 of the recommendations contained in this report.
- 5.4 Separately, paragraph 3.3(2) of the Staff Employment Procedure Rules in Part 4J in the Constitution delegates to the Head of Paid Service authority to make temporary appointments of Chief Officers for a period of up to 6 months subject to the notification requirements in paragraph 3.3.3 to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment before an offer of appointment is made to him/her. Such temporary appointments must also be notified to the next meeting of full Council.
- 5.5 The proposal is to seek approval from the Committee to delegate to the Head of Paid Service authority to decide whether or not a further extension of the temporary appointments to the posts identified in paragraph 1.2 of the recommendations for an additional period of up to 6 months subject to usual notification requirements to the Leader and Cabinet Members and the next meeting of full Council should be agreed.
Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the interim Director of Law and Governance.

6. HUMAN RESOURCES IMPACT

- 6.1 There are no additional human resources impacts beyond those described in the body of the report.
- 6.2 Approved by: Sue Moorman, Director of Human Resources

7. DATA PROTECTION IMPLICATIONS

- 7.1 The recommendations contained within this report will not directly involve the processing of data
- 7.2 Approved by: Elaine Jackson, Interim assistant Chief Executive

CONTACT OFFICER:

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APPENDICES:

None