

# Employment Terms and Conditions for New Chief Officers

**Special Committee**

**Date: 24<sup>th</sup> February 2014**

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Author:	Chief Executive / Head of People and Development
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 This reports sets out proposals for terms and conditions of employment for newly appointed Chief Officers to the Council.
- 1.2 At its meeting of 5 November 2013, the Special Committee agreed some changes to terms and conditions of employment for existing Chief Officers. The Committee requested the Head of People and Development to undertake a separate review of terms and conditions for new Chief Officers and that the outcome of this review be submitted to the Special Committee (Minute 15(c) refers).

## **2. Recommendations**

The Committee is recommended to:

- 2.1 Agree that the roles within the Council with responsibility for statutory functions, as outlined in paragraph 3.2.1 of the report, and any non-statutory Board Director posts be the only roles for which specific Chief Officer terms and conditions of employment be applied and that would be subject to appointment by elected members.
- 2.2 That these roles for which Chief Officer terms and conditions of employment be applied, receive the different terms and conditions of employment to other employees of the Council as outlined in paragraph 3.9.2 of the report
- 2.3 That the above changes be implemented with immediate effect.
- 2.4 That existing Chief Officers retain as protected rights their current terms and conditions of employment, including those agreed by way of Minute 15 of the Special Committee on 5 November 2013.

## **3. Detail**

- 3.1 The Special Committee agreed at its meeting on 5 November 2013 that a review of terms and conditions of employment for new Chief Officers was needed to ensure that the Council's employment offer allows it to be competitive in the recruitment market, whilst taking account of the wider financial context that it is working in and recognising that these terms and conditions should be no more generous than those for existing Chief Officers.

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Further information on the subject of this report can be obtained from Nicola Houwaek, Head of People & Development, 07824 550456, [nhouwayek@swindon.gov.uk](mailto:nhouwayek@swindon.gov.uk).

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- 3.2 The Local Government and Housing Act 1989 (and subsequent updates) and the Joint Negotiating Committee (JNC) for Chief Officers for Local Authorities, Constitution Conditions of Service Salaries, in summary, describe Chief Officers as being:
- 3.2.1 Statutory Chief Officers:
1. Head of Paid Service
  2. Monitoring Officer
  3. Section 151 Officer
  4. Director of Children's Services
  5. Director of Adults Social Services
  6. Director of Public Health.
- 3.2.2 Non- Statutory Chief Officers – a person for whom the head of the authority's paid service is directly responsible for.
- 3.2.3 Deputy Chief Officers – a person who, as respects most of the duties of their post, is required to report directly to one or more of the statutory or non-statutory Chief Officers.
- 3.3 Benchmarking information has demonstrated that Local Authorities apply this definition in different ways and have adopted the following approaches to which roles are considered as Chief Officers:
1. Chief Executive, Board Directors and their direct reports or;
  2. Chief Executive and Board Directors only or;
  3. Chief Executive and statutory roles only or;
  4. None.
- 3.4 Previously within the Council, Chief Officer terms and conditions were offered to those posts that fell within the Director grades and these were clearly roles that either reported to the Chief Executive or into his direct reports. However, since the implementation of the Stronger Together organisational structure, we have a wider differential in the nature of posts and the grades for our Tier 2 posts and this has led to less transparency and some inconsistency as to who does and who does not get these terms (for example our previous Director 1 and Director 2 grades are now incorporated within the Hay grades).
- 3.5 The JNC terms and conditions of employment for Chief Officers that differ from other employees are few:
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1. Holidays – a minimum of 30 days (other staff start on 24 days, move to 28 days after 5 years and 30 days after 10 years).
  2. Notice periods – 3 months (same as all our Hay graded staff).
  3. Redundancy severance – discretionary powers for permissible enhancement of benefits or redundancy payment (which we have agreed for existing Chief Officers through the application of the matrix agreed by Minute 15 of the Special Committee in November 2013).
- 3.6 Benchmarking data shows that most other local authorities do not offer any benefits or terms of conditions over and above these to their Chief Officers. There are a very small number of exceptions where regular increments, performance related pay and car allowances are paid.
- 3.7 Our salary ranges are comparative to other local authorities and enable us to compete on a level playing field.

## Summary

- 3.8 In general, the standard terms and conditions that we offer our staff will enable us to be competitive in the recruitment market for the majority of senior posts. However, there are a number of considerations which demonstrate a justification for some exceptions to this:
1. A small number of roles carry a higher risk that others due to their responsibilities for statutory functions and the independence of decision making that this requires (i.e. those outlined in paragraph 3.2.1 plus any non-statutory Board Director posts).
  2. It is to our benefit to recognise this additional risk to enable us to attract and retain the right calibre staff. As a local authority we are limited with the additional benefits that we can legitimately and need to offer. However, we know from the consultation we undertook for existing Chief Officers that, in these uncertain times, any additional, potential benefit should a redundancy situation arise, is an attractive option for potential and existing staff.
  3. Holiday allowances are also important to attract and retain senior staff. Many applicants for senior positions are already likely to have reasonable holiday entitlements and we would not wish to reduce this if they did not have 10 years local government service.
- 3.9 On this basis, it is proposed that that:
- 3.9.1 We only offer Chief Officer terms and conditions of employment to those roles who carry statutory functions (as outlined in paragraph 3.2.1 above) plus any non-statutory Board Director posts.
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3.9.2 For these Chief Officer roles we offer standard terms and conditions of employment offered to all staff, with the additional benefits of:

1. 30 days holiday – irrespective of length of local government service.
2. Application of a severance matrix as agreed by Special Committee, should a redundancy situation arise (proposed matrix shown in Appendix 2).

## **4. Alternative Options**

- 4.1 That our Chief Officer roles have no additional benefits as outlined in paragraph 3.9.2, but recognising that without these, there is no additional incentive to enable effective recruitment and retention to roles with statutory responsibilities and the associated risks these bring.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 As the proposed terms are no more beneficial than those terms for existing Chief Officers, there will be no increase in costs. Potential costs are reduced on the basis that there will be fewer staff with the additional benefits of Chief Officers if the recommendations are agreed.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken fully into account in the preparation of this report and it is believed its recommendations are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other specific implications were identified in the preparation of this report.

### Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 No specific links were identified in the preparation of this report.

### Diversity Impact Assessment

- 5.5 It was not considered necessary to undertake a full Diversity Impact Assessment in respect of this report as it does not impact on services. However, equality and diversity implications have been considered in the development of this report.

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## Risk Management

5.6 No specific, unmitigated risks were identified in the preparation of this report.

## **6. Consultees**

6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

7.1 None

## **8. Appendices**

8.1 Appendix 1 – Severance Matrix for Existing Chief Officers

8.2 Appendix 2 – Severance Matrix for New Chief Officers