

Phil Norrey Chief Executive

To: The Chair and Members of the Appointments and Remuneration Committee County Hall Topsham Road Exeter Devon EX2 4QD

(See below)

Your ref : Our ref : Date : 5 January 2018 Please ask for : Karen Strahan 01392 382264 Email: karen.strahan@devon.gov.uk

APPOINTMENTS AND REMUNERATION COMMITTEE

Monday, 15th January, 2018

A meeting of the Appointments and Remuneration Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY Chief Executive

<u>A G E N D A</u>

PART I - OPEN COMMITTEE

- 1 <u>Apologies for Absence</u>
- 2 <u>Minutes</u>

Minutes of the meeting held on 27 September 2017 and 15 December 2017, previously circulated.

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.

4 Pay Policy Statement 2018/2019 (Pages 1 - 8)

Joint report of the County Solicitor and the Head of Organisational Development (CS/18/2) outlining the proposed revised pay Policy Statement for 2018/2019, and consequential amendments to the Chief Officer Employment Procedure Rules and Disciplinary Policy, for ratification by the County Council, attached.

5 Interim Head of Children's Social Care (Deputy Chief Officer) (Pages 9 - 10)

Report of the Head of Organisational Development on arrangements made under delegated powers for the placement of an interim Children's Social Care (Deputy Chief Officer), attached.

6 Interim Head of Adult Care Operations and Health

The Head of Organisational Development to report on the arrangements made under delegated powers for the placement of an interim Head of Adult Care Operations and Health.

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

7 Exclusion of the Press and Public

<u>Recommendation</u>: that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information relating to an individual or likely to reveal the identity of an individual, and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8 <u>Report of the Appointments Panel for the Senior Coroner</u> (Pages 11 - 12)

County Solicitor to present the Report of the Appointments Panel for the Senior Coroner, attached.

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

Membership

Councillors J Hart (Chair), J Clatworthy, A Connett, R Hannaford and B Parsons

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan on 01392 382264.

Internet

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Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

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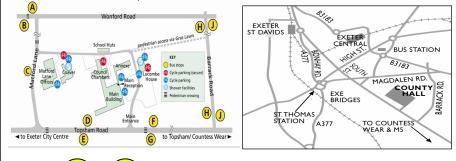
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Denotes bus stops

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

PAY POLICY STATEMENT 2018/19

Report of the County Solicitor & Head of Organisational Development

Recommendation: that the Committee:

- (a) endorse the proposed amendments to the Pay Policy Statement and commend the revised Statement for 2018/19 to the Council
- (b) note the leadership roles and salary rates, which are unchanged except for the nationally agreed 2016/18 Pay Award of 1%.

1. Introduction

- 1.1. The Pay Policy Statement, required under the Localism Act 2011, forms part of the Constitution of Devon County Council. It is a statutory requirement of the Pay Policy Statement that the Statement should be reviewed annually.
- 1.2. The Pay Policy Statement specifies that salaries for Chief Officers and Heads of Service on Leadership Grades are fixed for the duration of the Policy and are to be reviewed annually by the Appointments and Remuneration Committee.

2. Proposals

- 2.1. The draft Pay Policy Statement (*Appendix 1*) continues to reflect the Government's proposal to implement various pieces of legislation to restrict exit payments for public sector workers. The implementation date is still to be confirmed. The proposals include:
 - 2.1 .1 .1 .1 .a £95,000 Exit Payments Cap, covering all types of exit payment including those for voluntary and compulsory redundancy and other severance payments as well as employer funded contributions to access a pension early
 - 2.1 □.1 □.2. the Public Sector Exit Payment Recovery Regulations, which propose the recovery of public sector exit payments where high earners (over £80,000 per annum) return to any part of the public sector within 12 months of receiving such a payment and
 - 2.1 .1 .3. the Further Reforms to Public Sector Exit Payments, which propose changes to limit the amount of redundancy compensation payments and limiting the amount of employer funded top-ups for early retirement across the various public sector compensation schemes.
- 2.2. The draft Pay Policy Statement also continues to reflect a potential future review of terms and conditions and the Authority's wider reward strategy, particularly bearing in mind the pay and grading implications of the National Living Wage, the current National Joint Council (NJC) Review of the Pay Spine and other issues such as recruitment and retention and the changing nature of work and roles within the Authority.

- The Authority has a longstanding Market Supplement Policy which can be utilised in circumstances where it is not possible to recruit or retain particular staff or categories of staff because of market conditions. The Policy is subject to clear principles and if agreed, the market supplement is a temporary addition to the basic pay of the role and is reviewed annually. Considering increasing pressures in certain occupational areas, such as children's social work, there has been an increase in the use of market supplements within the Authority and therefore, to ensure transparency, the market supplement policy has been included as an additional paragraph in this year's Pay Policy Statement. For information, as at 15th November 2017 there were 8 job roles which were subject to a market supplement, which comprises of 89 employees at a total cost of £259,500 per annum. This represents just 2.1% of the workforce (excluding schools) and 0.14% of the overall pay bill (excluding schools).
- 2.4. The Pay Policy Statement refers to the Authority's regard to the new legal requirement to report annually on the Authority's Gender Pay Gap, in accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. The first Gender Pay Gap submission to the Government is due by 31st March 2018 and will also be reported on the Authority's website at that time.
- 2.5. *Appendix 2* sets out the current senior management roles and salary levels. The Head of Planning, Transportation and Environment post has been re-evaluated to L3, using the Hay Job Evaluation Scheme, in the light of the role's expanded responsibilities and budgets. No other changes are proposed to the salary levels.

3. Financial and Other Implications

- 3.1. The proposed implementation of the various exit payments legislation and the change to the Authority's wider reward strategy will have a financial impact, but the exact details are not known at this stage.
- 3.2. This Report and the accompanying Statements have no specific equality, sustainability, legal, financial or public health implications that are not already covered by or subsumed within the detailed policies or requirements referred to therein.

4. Conclusion

4.1. It is recommended that the Appointments and Remuneration Committee consider the proposals, make recommendations and endorse any proposed variations for submission to the County Council for ratification on 15th February 2018 and amendment of the Constitution accordingly in line with statutory requirements.

Jan Shadbolt, County Solicitor & John Smith, Head of Organisational Development

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for enquiries: Jacky Wilson, Head of HRTelephone: 01392 383000 Room 155ABackground PaperDateFile Reference

Pay Policy Statement (April 2018 - March 2019)

1. Introduction

- 1.1. This document sets out Devon County Council's pay policy statement which will be reviewed annually.
- 1.2. The statement sets out the Council's policies relating to the remuneration of chief officers/heads of service, senior officers and officers and the relationship between the remuneration of the highest and lowest paid. Remuneration for the purpose of this statement includes basic salary, any other allowances and any payments made upon the cessation of employment.
- 1.3. The key principles underpinning this pay policy statement are:
 - 1.3.1. **Affordability** ensuring remuneration policies represent value-for-money for the taxpayer.
 - 1.3.2. **Fairness** ensuring remuneration policies are fair to all employees, ranging from the most senior post to the most junior post.
 - 1.3.3. **Meeting legislative requirements** ensuring remuneration policies comply with all legal obligations, such as the Equal Pay Act and Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 regarding gender pay gap reporting.
 - 1.3.4. **Market Awareness** ensuring due regard is taken of the market, both nationally and locally in the South West, and that this policy is in line with councils of a similar size and/or in a similar labour market.

2. Officers (including Lowest Paid Employees)

- 2.1. Officers are defined as those on grades A-T.
- 2.2. Lowest Paid Employees at the County Council are defined as employees paid on Spinal Column Point 6 of the National Joint Council for Local Government Services (NJC) Pay Scale. This definition has been adopted as it is the lowest level of remuneration attached to a post in the Council.
- 2.3. Officers are employed under NJC terms and conditions.
- 2.4. The adoption of the NJC Pay Scale was jointly agreed by the County Council and NJC recognised Trade Unions as part of Single Status implementation.
- 2.5. The County Council uses the Greater London Provincial Council (GLPC) job evaluation scheme to determine an employee's position on the NJC pay scale (and therefore their pay level).
- 2.6. Officers are eligible for annual incremental increases up the NJC pay scale until they reach the top of their grade.
- 2.7. Any annual pay awards are determined by national NJC agreement.
- 2.8. Officer appointment, remuneration and terms in the event of the cessation of employment are in line with paragraph 4 of the Chief Officer Employment Procedure Rules, Council employment policy and statutory regulations and guidance.
- 2.9. Certain staff groups, defined as 'officers' within this Pay Policy Statement, are employed on separate terms and conditions which reflect relevant national agreements. These include teachers and some staff employed within social care or Public Health who are on NHS/health terms and conditions.

3. Senior Officers

- 3.1. Senior Officers are defined as those on grades L9-L5 for non Head of Service posts.
- 3.2. Senior officers are employed under Joint Negotiating Committee for Chief Officer (JNC) terms and conditions.
- 3.3. Senior Officers are remunerated on a local pay scale.
- 3.4. The Hay job evaluation scheme is used to determine an employee's position on the local pay scale (and therefore their pay level).

5. The County Council operates a tiered pay scale for Senior Officers. Each tier has a spot salary and there is no incremental progression or salary increase, other than any annual pay awards which are determined by national JNC agreement.

4. Chief Officers and Heads of Service

- 4.1. Chief Officers and Heads of Service are defined as follows:
 - 4.1.1. Chief Officers Chief Executive, the Chief Officers for Children's Services, for Adult Care & Health, for Communities, Public Health, Environment & Prosperity (Director of Public Health, see paragraph 7) and for Highways, Infrastructure, Development & Waste; County Treasurer (Chief Finance Officer) and County Solicitor (Monitoring Officer) on Devon County Council Grades L0-L3 and the Director of Public Health-(see paragraph 7).
 - 4.1.2. **Heads of Service** either holders of posts defined locally who comprise the Council's Leadership Team appointed by the Appointments and Remuneration Committee and the Local Government and Housing Act 1989 or who fall within the category of non-statutory officer (as set out in the Local Government and Housing Act 1989), on Devon County Council Grades L2-L4.
- 4.2. All Chief Officers and Heads of Service are employed under Joint Negotiating Committee for Chief Executive or Chief Officer (JNC) terms and conditions (except for the Chief Officer for Communities, Public Health, Environment and Prosperity (Director of Public Health – see paragraph 7)).
- 4.3. The County Council operates a <u>tiered pay scale</u> for Chief Officer and Heads of Service posts (except the Chief Officer for Communities, Public Health, Environment and Prosperity Director of Public Health see paragraph 7)). Each tier has a fixed, spot salary and there is no incremental progression. The Hay job evaluation scheme is used to determine an employee's position on the scale (and therefore their pay level).
- 4.4. The Appointments and Remuneration Committee will consider and recommend the appointment, remuneration and terms in the event of the cessation of employment of any substantive posts of Chief Officers and Heads of Service, in line with its Terms of Reference, the Pay Policy Statement, Chief Officer Employment Procedure Rules, the Council's employment policy and statutory regulations and guidance.
- 4.5. The Appointments and Remuneration Committee would not normally recommend the re-employment of individuals to Chief Officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modification Order.
- 4.6. Salaries are fixed for the duration of this policy and reviewed annually by the Appointments and Remuneration Committee. Any variation from the fixed salary during the period of this policy (either for an existing Chief Officer/Head of Service or for the appointment of a new Chief Officer/Head of Service) requires approval from the County Council, except in the case of any annual pay awards which are determined by national JNC agreement.
- 4.7. The County Solicitor is the County Returning Officer and Returning Officer fees paid are in line with the guidance stipulated from the Ministry of Justice for the relevant elections.
- 4.8. The County Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of Chief Officers/Heads of Service. Pay levels for all Chief Officers/Heads of Service posts are published on the <u>County</u> <u>Council's website</u> and/or in the <u>Annual Statement of Accounts</u>.

5. Terms and Conditions for all employees

- 5.1. The County Council does not operate a performance-related pay scheme for any employee.
- 5.2. The County Council does not pay bonuses to any employee.
- **5.3.** The County Council may pay a market supplement in circumstances where it is not possible to recruit or retain particular staff or categories of staff, subject to the principles set out in the Council's Market Supplement Policy. The market supplement is a temporary addition to the basic pay of the role and is reviewed annually. Market supplements paid to the highest paid employees will be published in the <u>Annual Statement of Accounts</u>.
- 5.4. Travel and subsistence expenses incurred on County Council business are reimbursed to employees. Reimbursement of expenses is governed by the principle that employees should not be financially advantaged or disadvantaged in carrying out their duties and all employees are subject to the same policy. Expenses and any benefits-in-kind for the highest paid employees will be published in the <u>Annual Statement of Accounts</u>.
- 5.5. The County Council does not pay fees on behalf of any employees, though this is subject to change in exceptional circumstances where there is an appropriate business case. Any fees paid to the highest paid employees will be published in the <u>Annual Statement of Accounts</u>.
- 5.6. Allowances are paid in line with NJC terms and conditions (for Officers) or JNC terms and conditions (for Senior Officers and Chief Officers/Heads of Service), or by local agreement where appropriate. Any allowances paid to the highest paid employees will be published in the <u>Annual Statement of Accounts</u>.
- 5.7. All employees are subject to the same terms and conditions in respect of termination of employment. The only exception to this is Chief Officers who are subject to a modified disciplinary procedure which is outlined in paragraph 9 of the Chief Officer Employment Procedure Rules.
- 5.8. All non-teaching employees are eligible to join the Local Government Pension Scheme (LGPS). The County Council does not augment pensionable service. The Council's employer severance and pension discretions, allowed under the LGPS regulations, apply to all employees.
- 5.9. The Council will apply the Government's various legislative proposals related to public sector exit payments, when these arrangements take effect.
- 5.10. During the year the Council will continue to explore and consult upon, with the aim of agreeing, changes to employee terms and conditions, to ensure that they are fit for purpose for a changing council.

6. Relationship between Chief Officers and employees who are not Chief Officers

- 6.1. Senior Officers and Chief Officers/Heads of Service receive no special enhancements to benefits or terms and conditions.
- 6.2. The Hutton Review recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 20:1. The County Council has adopted this recommendation. It is the Council's policy that this ratio will not exceed 20:1 and it will be reviewed annually by the Appointments and Remuneration Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is 10:1¹, based on the lowest paid post being at spinal column point 6.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is 8:1²
- 6.5. The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 5:1³.

¹ The 2017/18 reported Pay Policy Statement ratio was 10:1.

² 2017/18 Pay Policy Statement ratio was 9:1. ³ 2017/18 Pay Policy Statement ratio was 5:1.

Agenda Item 4 7. Birector of Public Health

- 7.1. Devon County Council assumed public health responsibilities (in line with the Health and Social Care Act 2012) from April 2013 and employs a Director of Public Health, who is defined as a Chief Officer, as described at paragraph 4.1.
- 7.2. The Director of Public Health and a number of other Devon Public Health employees transferred from the NHS to Devon County Council in accordance with the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) with effect from 1st April 2013. In practice this means that the existing terms and conditions of employment of transferring employees are protected at the point of transfer and they currently continue to be paid on NHS pay rates and not NJC or JNC terms.

Appendix 2

Leadership Grades

L9 L8 L7 L6 L5 L4	£47,311 £53,152 £59,201 £65,231 £78,038 £88,443	Senior management roles Head of Digital Transformation and Business Support
		Head of Planning, Transportation and Environment
L3	£98,848	Chief Officer for Highways, Infrastructure, Development and Waste Head of Organisational Development Head of Children's Social Care* Head of Education and Learning Head of Adult Commissioning and Health Head of Adult Care Operations and Health Head of Economy, Enterprise and Skills Head of Planning, Transportation and Environment
L2	£107,110	County Treasurer County Solicitor
L1	£132,608	Chief Officer for Adult Social Care and Health Chief Officer for Children's Services
L0	£149,995	Chief Executive

In addition to the heads of service and chief officers above, the Council employs the Chief Officer for Communities, Public Health, Environment and Prosperity on NHS pay rates, on a current salary of $\pounds103,490$ plus allowances.

*plus market supplement.

The rates of pay reflect the 1% pay award which was agreed nationally as part of the 2016/18 JNC Agreement and took effect from 1st April 2017.

Appointments & Remuneration Committee 15 January 2018

Head of Children's Social Care (Deputy Chief Officer)

Report of the Head of Organisation Development

Recommendation:

That the Committee note the appointment of Darryl Freeman to the post of Head of Children's Social Care by the Chief Executive under delegated powers and make a recommendation to the Council as required under the Council's standing orders.

1. Introduction

1.1. Under the Councils standing orders, the Chief Executive has delegated authority to make interim appointments at Chief Officer / Head of Service level based on a clear business case.

2. Background

- 2.1 The Committee will be aware that it has proved extremely challenging to appoint potholders of the required calibre to the role of Head of Children's Social Care. However a permanent appointment was made to this post from May 2017. Unfortunately the post holder Mark Lines resigned and left the Council in November 2017.
- 2.2 Bearing in mind the progress made on Children's Services improvement. It was critical that Children's Services were not left without a Head of Service for a significant length of time.
- 2.3 Accordingly, based on earlier experiences of attempting to recruit to this role, a decision was made to use an executive search route and look to appoint an interim for a period of up to 2 years.
- 2.4 The outcome of this was that Darryl Freeman was appointed to the post of Head of Children's Social Care (Deputy Chief Officer) on an interim basis with effect from 4 December 2017.
- 2.5 In the light of the recent tax changes (IR35) a fixed term contract was decided to be in the best interests of both the candidate and the County Council.. Therefore Darryl Freeman has been engaged on a 2 year fixed term employment contact rather than being engaged on a day rate basis through a Contract for Services as was the original plan. The post is an L3 post and has an annual salary of £98,848. The post additionally has a market supplement of 20k per year.

3 Financial and Other Implications

3.1 Aside from the contractual arrangement finally arrived at being cheaper for the Council than engagement on a day rate through a contract for service. This Report has no specific equality, sustainability, legal, financial or public health implications that are not already covered by or subsumed within the detailed policies or requirements referred to therein.

5. <u>Conclusion</u>

5.1 It is recommended that the Appointments and Remuneration Committee endorse the appointment made by the Chief Executive under his delegated powers.

> John Smith, Head of Organisational Development

Electoral Divisions: All

Contact for enquiries: Sue Edwards Telephone: 01392 383000 Email: <u>sue.edwards@devon.gov.uk</u>

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

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