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To: The Chair and Members

of the Appointments, Remuneration and Chief

Officer Conduct Committee

County Hall Topsham Road

Exeter Devon EX2 4QD

Date: 11 January 2022 Contact: Karen Strahan 01392 382264

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# APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT COMMITTEE

Wednesday, 19th January, 2022

A Teams meeting of the Appointments, Remuneration and Chief Officer Conduct Committee is to be held on the above date at 2.15 pm to consider the following matters.

Phil Norrey Chief Executive

### AGENDA

### PART I - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes

Minutes of the meeting held on 16 November 2021

3 <u>Items Requiring Urgent Attention</u>

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

### MATTERS FOR DECISION

4 Pay Policy Statement 2022/2023 (Pages 1 - 8)

Report of the County Solicitor, Chief Officer for Legal and Head of Human Resources containing and outlining the Pay Policy Statement for 2022/2023 for recommendation to Council, attached.

Electoral Divisions(s): All Divisions

5 Leadership Group - Proposals for New Leadership Arrangements (Pages 9 - 14)

Report of the Chief Executive (SO/21/2) outlining Proposals for New Leadership Arrangements in Devon County Council, attached.

Electoral Divisions(s): All Divisions

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

NIL

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Appointments and Remuneration Committee 19th January 2022

### **PAY POLICY STATEMENT 2022/23**

Report of the County Solicitor, Chief Officer for Legal & Head of Human Resources

### **Recommendation:** that the Committee:

- (a) Endorse the proposed amendments to the Pay Policy Statement and commend the revised Statement for 2022/23 to the Council
- (b) Note the change to leadership roles and salary rates which may be impacted by any national pay award.

### 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 at least 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, Remuneration and Chief Officer Conduct Committee.

### 2. Proposals

- 2.1. The draft Pay Policy Statement 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, and other issues such as recruitment and retention and the changing nature of work and roles within the Authority. A review of NJC and Chief Officer Annual Leave Entitlement was conducted in 2021. Full implementation will be completed in April 2022. Details of this review and new entitlements can be found on Inside Devon.
- 2.2. The trade unions and the national employers are continuing to discuss the pay award for 2021/22.
- 2.3. **Appendix 2** sets out the current senior management roles and salary levels. This appendix, alongside the Pay Policy Statement, reflects the current senior management structure. As and when changes take effective, the Policy will be updated to reflect these, for example, decisions made regarding the replacement of the County Solicitor.

### 3. Financial and Other Implications

- 3.1. Any national pay awards, 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, Remuneration and Chief Officer Conduct Committee consider the proposals, make recommendations and endorse any proposed variations for submission to the County Council for ratification on 17<sup>th</sup> February 2022 and amendment of the Constitution accordingly in line with statutory requirements.

Andrew Yendole, Interim County Solicitor, Chief Officer for Legal Jacky Wilson, Head of Human Resources

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers** 

Contact for enquiries: Jacky Wilson, Head of HR

Telephone: 01392 383000 Room 155A

Background Paper Date File Reference

**Appendix 1** 

### Pay Policy Statement (April 2022 - March 2023)

### 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 Equality 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 1 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 unless noted otherwise.
- 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).

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3.5. 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, and for Highways, Infrastructure, Development & Waste; Director of Finance (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 Remuneration and Chief Officer Conduct 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 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 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 Remuneration and Chief Officer Conduct 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 Remuneration and Chief Officer Conduct 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 Remuneration and Chief Officer Conduct 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, Chief Officer for Legal, is also 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 <a href="County Council's website">County Council's website</a> and/or in the <a href="Annual Statement of Accounts">Annual Statement of Accounts</a>.

### 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 accordance with any relevant legislation and the Senior Officers salary publication requirements.
- 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 Annual Statement of Accounts.
- 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 <a href="Annual Statement of Accounts">Annual Statement of Accounts</a>.
- 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. 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, Remuneration and Chief Officer Conduct Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is 9.1<sup>1</sup>, based on the lowest paid post being at spinal column point 1.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is 7:1<sup>2</sup> The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 3:1<sup>3</sup>.

#### 7. Director of Public Health

 $<sup>^{\</sup>rm 1}$  The 2021/22 reported Pay Policy Statement ratio was 9.1

<sup>&</sup>lt;sup>2</sup> 2021/22 Pay Policy Statement ratio was 7.1.

<sup>&</sup>lt;sup>3</sup> 2021/22 Pay Policy Statement ratio was 3.1.

- 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.

### 8. Amendments to this policy

8.1 As the policy covers the period April 2022 to the end of March 2023, amendments may need to be made to the policy throughout the relevant period. As the Localism Act 2011 requires that any amendments are approved by the Council, proposed amendments will be reported to the Appointments, Remuneration and Chief Officer Conduct Committee for recommendation to the Council.

### Appendix 2

### **Leadership Grades\***

L9	£50,576	Senior management roles			
L8	£56,820				
L7	£63,287				
L6	£69,733				
L5	£83,424				
L4	£94,546				
L3	£105,669	Chief Officer for Highways, Infrastructure, Development and Waste Deputy Chief Officer Children's Services and Head of Social Care Deputy Chief Officer – Head of Children's Health and Wellbeing 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 Head of Digital Transformation and Business Support			
L2	£114,502	Director of Finance County Solicitor			
L1	£141,759	Chief Officer for Adult Social Care and Health Chief Officer for Children's Services**			
LO	£171,728	Chief Executive			

In addition to the heads of service and chief officers above, the Council employs the Director of Public Health on NHS pay rates, on a current salary of £104,927 plus a market supplement.

Any national pay award for 2021/22 will impact on the above but is yet to be agreed.

<sup>\*\*</sup>plus market supplement.

<sup>\*</sup>This is the structure in place at 31/03/2022

SO/21/2

Appointments and Remuneration and Chief Officer Conduct Committee 19<sup>th</sup> January 2022

#### PROPOSALS FOR NEW LEADERSHIP ARRANGEMENTS IN DEVON COUNTY COUNCIL

Report of the Chief Executive

**Recommendation:** that the Committee:

- a) Note the proposed re- configuration of Council services and the changes to the leadership of services.
- b) Agree to a period of consultation about the proposals for new strategic level leadership team, noting the following:
  - The revised leadership team and leadership arrangements will supersede the current LG8/LG14 arrangements and will require new reporting arrangements for some LG14 members
  - The proposals will bring an end to the interim structural and reporting arrangements, some of which will have been in place since January 2021 pending the Council elections in May 2021.
- c) Agree that the Chief Executive will make the final decision on the structural proposals following consideration of consultation feedback.
- d) Agree to the commencement of the recruitment process for a new Chief Officer Integrated Adult Care as there are no changes proposed to this post.

#### 1. Context:

- 1.1 There has not been an opportunity to make significant changes in respect of the configuration and leadership of Council services for a number of years. The planned retirement of a number of Heads of Service and Chief Officers in a six month timeframe has provided an opportunity to review the configuration of services and make some proposals for changes.
- 1.2 Two further members of leadership team, Jennie Stephens, Chief Officer for Adult Care and Health and Dave Black, Head of Service Planning, Transportation and Environment will retire at the end of March 2022.
- 1.3 During the past two years the impact of the Global Pandemic on the working of the Council has been profound. We now face a prolonged period of adjustment, as co-existing with the virus becomes part of everyday life, and a significant set of challenges if we are to recover from some of the longer-term changes consequent both on the pandemic itself and other factors (such as exit from the EU) to the cost of living, the labour and property markets and key sectors of the economy such as hospitality and retail etc. In addition, the need to respond to the Climate Emergency will be a central feature of the Council's work for years to come. To reflect this the Council agreed a strategic plan for the period 2021-2025. These leadership proposals give us the opportunity not only to reshape the Council's officer leadership, but the way that leadership operates, drawing on the experience of changed working practices during the pandemic and the priorities expressed in the new strategic plan. The proposals build on the learning, experience, and evidence of the last 18 months to create a structure and way of working which raises the ambition of the Council and provides clarity on leadership and future strategic direction.

### 2. The Proposal

2.1 A key principle behind the proposed changes is to simplify and clarify the leadership roles and responsibilities to resolve the interim arrangements put into place during a period of significant natural turnover in leadership posts starting in December 2020 and recognise the evolution of the current leadership structure over time. All service areas will have a new service title and the leadership job titles will reflect this.

### 2.2 The service areas:

### 2.2.1 <u>Children and Young People's Futures</u>

Services remain as currently configured, with the addition of the School Place planning and admissions team joining Education and Learning. The title change is intended to reflect the Council's stated ambition for Devon's children and young people. It provides a clear message that within the Council and with our partners we should have a stronger focus on aspiration for children and young people and that Devon should be the best place for children to grow up.

### 2.2.2 Integrated Adult Care

The current title of Adult Care and Health reflects our close working with the Health system but is a source of confusion in relation to our broader health responsibilities, particularly in relation to health protection and the reduction of health inequalities. The change to the title removes that ambiguity while signifying the criticality of joint working, not only with NHS partners but also with the voluntary sector, private sector providers and the community.

### 2.2.3 Finance and Public Value

The service remains as currently configured with the addition of the Procurement service. The title reflects a new focus within the Council's finance function on demonstrating value for the spending of the public pound.

### 2.2.4 Public Health, Communities and Citizen Engagement

It is proposed that a wider range of services for communities are combined with the Public Health function. The new service area will include Public Health, Services for Communities and Citizen engagement. It is proposed that the Council's Communications and Media service joins this service. These services will have a strong focus not only on the physical and mental health of our residents, but the health of our communities and key factors which affect well-being, such as food and fuel poverty.

### 2.2.5 <u>Climate Change, Environment, Connectivity and Growth.</u>

This service area will combine services previously within 'Planning, Transportation and Environment', 'Economy, Enterprise and Skills' and 'Highways, Infrastructure Development and Waste'. It provides a clearer expression and profile for the Council's Climate Change and environmental priorities and recognises the interdependency of Climate Change, Economy and Transport. In particular, having a coherent approach to carbon reduction, transport planning and the management of our highways network will be vital

to the Council's contribution to a Net-Zero Devon, and exploiting the economic opportunities presented by green technology will be central to bringing more higher value and sustainable employment to the county.

### 2.2.6 Transformation and Resources

This service area will combine Digital Transformation, ScoMIS, Business Support Services, Property, Human Resources, Organisation Change and Policy. The rationale for this grouping is to support the achievement of the Council's Strategic Plan commitment to be an effective, efficient and adaptable council that serves local people well. This grouping will bring together the human, digital and physical assets of the Council with organisational design and development to promote more rapid adoption of transformation and innovation in line with the strategic and policy direction of the council.

The organisation has made a commitment to reimagine and redesign our organisation to enable long term financial resilience and transformation building on the experience and learning over the past few years. This grouping of support services will be focused on a clear purpose of supporting council wide change and transformation, and will need to be dynamic, agile and cohesive in order to get the best from our workforce, digital infrastructure and property.

### 2.2.7 <u>Legal and Democratic Services</u>

This service area will consist of Legal Services, Democratic Services, Registration and Coroners and Lord Lieutenancy services. In effect, this is a return to the position before the recently retired County Solicitor took on an extended portfolio of services. It provides a clear focus within the organisation for supporting elected members and the democratic process, which might otherwise be lost if the services were to be subsumed in a new larger portfolio.

### 3. Leadership post proposals

- 3.1 The proposed changes will result in a reduction in one post and a much smaller leadership team which will supersede the existing leadership teams called LG8 and LG14. There are sufficient posts in the top and next tier of the Councils leadership arrangements for all of the remaining LG14 members.
- 3.2 The new strategic leadership team for the Council is proposed to consist of 6 roles reporting to the Chief Executive. These will be:

Director of Climate Change, Environment, Connectivity and Growth

Director of Public Health, Communities and Citizen Engagement

Director of Transformation and Resources

Director of Integrated Adult Care

Director of Children and Young People's Futures

Director of Finance and Public Value

3.3 There are some changes to job titles for leadership roles, reflecting the new service areas they will lead. All will be called Directors and will have consistent job titles.

### 3.3.1 <u>Director of Climate Change, Environment, Connectivity and Growth</u>

This is a new role which following consultation would be subject to an internal recruitment process. There are two current members of LG8/LG14 who would need to be considered for this role.

### 3.3.2 Director of Public Health, Communities and Citizen Engagement

Following the retirement of Dr Virginia Pearson, changes were made with this Committee's agreement, to the Director of Public Health role. It was changed from being a Chief Officer role with responsibility for a wider portfolio of services to being a role dedicated to Public Health and the role of Public Health for the Council and wider community. Interim arrangements were put in place for services areas which previously fell under the Director of Community, Public Health, Environment and Prosperity. It is proposed that the current Director of Public Health re-assumes responsibility for the wider portfolio of services for Communities.

### 3.3.3 Director of Transformation and Resources

The proposed Director post is a new role and following consultation would be subject to an external recruitment process.

### 3.3.4 Director of Integrated Adult Care

There are currently three posts within this service area, a Director and two Deputies and these are unchanged. The Director of Adult Care and Wellbeing will be vacant from 1<sup>st</sup> April 2022 and subject to an external recruitment process which would commence shortly.

### 3.3.5 Director of Children and Young People's Futures

There are currently four posts within this service area, a Director and three Deputies. These are unchanged by these proposals.

### 3.3.6 Director of Finance and Public Value

There is one post within this area and this is unchanged.

### 3.3.7 <u>Legal and Democratic Services</u>

A new deputy Director role is proposed for Legal and Democratic Services. The post will report directly to the Chief Executive but will not be part of the Council's new Strategic leadership group. It will be part of the 'tactical' tier of leadership team. Following consultation this post would be subject to an external recruitment process.

3.4 Once the new strategic leadership team is in place, a new 'tactical' tier of leadership will be formed which will include existing deputies, Heads of other services and leadership representatives from across the full range of Council Services. This will be a new development, building on the learning from cross-organisational tactical leadership teams that have been developed and established during response to, and recovery from, the pandemic. This tactical tier will enable the Strategic Leadership Team to

focus on the strategic business and will provide organisation-wide leadership and coordination to deliver against the strategic plan priorities, support business resilience and continuity, and support career development and succession planning.

In addition to the service responsibilities, it is also envisaged that each Director will hold strategic responsibility for one of the Strategic Plan priorities which will contribute to collective ownership and commitment, and reduce silo thinking and working.

#### 4. Timetable:

4.1 It is proposed that the consultation period would commence mid February for a three week period. Following consideration of consultation feedback, decisions would be made and the revised leadership structure would be confirmed. New posts which are to be subject to external recruitment would be advertised, and any other recruitment processes needed would take place.

Phil Norrey, Chief Executive

**Electoral Divisions: All** 

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### Appendix 1

### **New Structure**

