



Oversight and Governance

Plymouth City Council
Ballard House
Plymouth PL1 3BJ

Please ask for
T 01752 668000
E democraticsupport@plymouth.gov.uk
www.plymouth.gov.uk/democracy
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Chief Officer Appointments Panel – Supplement Pack 2

Friday 2 June 2023
10.00 am
Council House

Members:

Councillor Evans OBE, Chair
Councillors Mrs Aspinall, Blight, Darcy, Laing, Luggier and Ms Watkin.

Please find additional information enclosed.

Tracey Lee
Chief Executive

Chief Officer Appointments Panel

- | | |
|--|------------------------|
| 8. Recruitment to Head of Legal Services: | (Pages 1 - 10) |
| 11. Recruitment to Director of Resources: | (Verbal Report) |
| 12. Recruitment to Service Director for Human Resources and Organisational Development: | (Pages 11 - 50) |
| 13. Recruitment to Service Director for Children, Young People and Families: | (Pages 51 - 78) |

Chief Officer Appointments Panel



Date of meeting:	02 June 2023
Title of Report:	Recruitment to Head of Legal Services
Lead Member:	Councillor Jemima Laing
Lead Strategic Director:	Tracey Lee (Chief Executive)
Author:	Di Saunders-Brewer
Contact Email:	diana.saunders-brewer@plymouth.gov.uk
Your Reference:	Click here to enter text.
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

This report provides an update on the interim arrangements for the post of Head of Legal Services and seeks a recommendation for the designation of the Monitoring Officer.

The Monitoring Officer is a Chief Officer role for the purposes of the Local Authorities (Standing Orders) Regulations 1993.

Recommendations and Reasons

It is recommended that the Appointments Panel:

1. Note the interim arrangements for the post of Head of Legal Services;
2. approve permanent recruitment to commence, including the procurement of an executive search agency;
3. Recommend to council the designation of the Acting Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the last day of service of the current post holder. This will be for a period of approximately 6 months or until a permanent Head of Legal Services is recruited.

Alternative options considered and rejected

The Monitoring Officer is a statutory chief officer role and it is therefore it is a legal requirement to designate an officer to undertake the role.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan outlines the strategic direction of the Council and recommendations within this report align to this.

Implications for the Medium Term Financial Plan and Resource Implications:

Chief Officer roles are permanent positions with established budget contained within the Medium Term Financial Plan, and costs arising from this report can be contained within budget.

Financial Risks

Full costs of any proposal will be available to Members ahead of any commitment of resources.

Carbon Footprint (Environmental) Implications:

It is the responsibility of all senior officers to ensure we develop and deliver our plans for both ensuring the Council is carbon neutral by 2030 and leading the City in carbon reduction. Digital will be a significant contributor to enable the Council and City to work, connect and behave differently in the future. In respect of the recruitment process, steps will be taken to ensure that where meetings can be undertaken virtually this is done to reduce travelling time, costs and associated carbon implications. There will be minimum use of printing and paper as emails, virtual meetings and other media will be utilised where possible.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

The Monitoring Officer) holds statutory responsibility and is key to delivering priorities in relation to service delivery and ensuring the Council's statutory duties, responsibilities and accountabilities are discharged. Any recruitment and selection processes will be undertaken with reference to the Council's established procedures and relevant legislation.

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Head of Legal Services Role Profile							

Background papers:

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

Fin	DJN. 23.24. 31	Leg	LS/00 0013 12/26 /5/23/ AC	Mon Off		HR	KB21 0381	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Giles Perritt											
Date agreed: 01/06/2023											
Please confirm the Strategic Director(s) has agreed the report											

Cabinet Member approval: Councillor Jemima Laing

Date approved: **01/06/2023**

I. INTRODUCTION

1.1. The Local Authorities (Standing Orders) Regulations 1993 prescribe a number of actions when recruitment to a Chief Officer post is required. The definition of 'Chief Officer' for the purposes of these regulations refers to:

- the Head of Paid Service,
- the Monitoring Officer,
- the Section 151 Officer,
- a statutory Chief Officer (as defined by section 2(6) of the 1989 Act) and
- Non-statutory Chief Officers as defined by section 2(7) of the 1989 Act (which essentially include officers who report directly to the head of paid service): regulation 1(2) of the 1993 Regulations.
- A Deputy Chief Officer (those reporting to a Chief Officer)

1.2. There are a number of defined activities that must be undertaken, including:

- The creation of a document clearly stating the duties of the officer, what qualifications, experience and skills they will need to undertake the role (the role profile).
- Making arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
- Providing a copy of the role profile to any person requesting this.

1.3. Once advertised as above, authorities will either interview all those who are qualified to undertake the role or select a short list of qualified applicants. If there are no qualified applicants the local authority will then make further arrangements.

2. CHIEF OFFICER APPOINTMENTS PANEL DELEGATED FUNCTIONS

2.1. Council has delegated the function of interviewing, agreeing terms and recommending a preferred candidate for Chief Officer Roles to the Chief Officer Appointments panel (COAP). COAP will make recommendations for appointment/designation to full Council where required by legislation.

3. INTERIM ARRANGEMENTS

3.1. Following the resignation of the current post holder, there is a need to establish interim arrangements at the council meeting in June to comply with the legal requirement to have a designated Monitoring Officer in place..

3.2. Following the resignation of the current post holder an internal interim resource has been sought in the first instance. This will provide time to undertake a permanent recruitment exercise.

3.3. This interim approach ensures no "gap" in the provision of senior legal advice for Plymouth City Council. This process has been used previously and allows PCC to test if there are candidates ready for promotion, career development or career enrichment.

3.4. Alison Critchfield (Senior Lawyer, Commercial Projects) has agreed to undertake the role of Head of Legal Services to temporarily cover the post in line with the City Council's [Acting Up / Additional Duties Policy](#).

4. LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1. Section 5(1)(a) of the Local Government & Housing Act 1989 states that: “It shall be the duty of every relevant authority to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for the duties imposed by this section”
- 4.2. This power may only be exercised by the Full Council as a matter of law and 10.2.2 of the City Council’s constitution. As a result a report will be prepared for Council designating the Monitoring Officer as the acting Head of Legal Services until a permanent replacement can be appointed.

RECOMMENDATION

It is recommended that the Appointments Panel:

1. Note the interim arrangements for the post of Head of Legal Services;
2. approve permanent recruitment to commence, including the procurement of an executive search agency;
3. Recommend to council the designation of the Acting Head of Legal Services as the Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989 from the last day of service of the current post holder. This will be for a period of approximately 6 months or until a permanent Head of Legal Services is recruited.

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HEAD OF LEGAL SERVICES

CORPORATE MANAGEMENT TEAM



Grade and Tier	Chief Officer – Band 4	Reference:	COF0022
Reports to:	Assistant Chief Executive	Job Type:	Strategic Leader
Role Purpose			
<ul style="list-style-type: none"> ▪ The senior responsible officer for legal matters across the Council providing advice and guidance to the Council, elected members and officers. ▪ Enable the Chief Executive and directors to focus on driving the Council’s overall objectives at a city, sub region, regional and national level. ▪ Provide leadership and management in the operation of the Legal Services department to deliver a customer focused, innovative centre of excellence. ▪ Communicate the vision of the Council and motivate and influence others to acquire this. ▪ Engage and contribute to the long term strategic planning process to ensure the Council’s organisational design, behaviours and leadership are aligned to the strategic direction of the organisation. <p>Be an active member of the Council’s leadership team, delivering transformation across the Council and within the specified department. Lead and take ownership for organisational change which impacts on their department, improving quality, efficiency and value for money.</p> <p>Lead the department with responsibility for its performance, delivery of outcomes, management and use of staffing, financial resources and technology. Involving, engaging, co-designing and working with communities, stakeholders and partners.</p> <p>Empower managers and staff to operate and run effective functions which are in line with the Council’s values and Corporate Plan.</p> <p>Represent the Council across the city, region and nationally; promoting the city as a place for business, opportunity and innovation.</p> <p>Member of the Federation for: Resources and the Executive Office; encouraging the best use of resources, avoiding duplication and silo working, facilitating knowledge transfer between the senior team.</p> <p>Statutory and Key Responsibilities/Accountabilities</p> <ul style="list-style-type: none"> ▪ Act as the Council’s Monitoring Officer pursuant to Section 5 Local Government and Housing Act 1989 as amended, ensuring that governance arrangements are maintained which encourage high levels of probity and ethical standards amongst elected members and officers. 			
Key Responsibilities			
Corporate and Organisational			
<ul style="list-style-type: none"> ▪ Provide strong, visible leadership and direction through compelling communication of the Council’s vision and values to own department, federation and wider where necessary. ▪ Act as the principal policy and professional advisor on legal, governance and procurement matters within own department and provide specific subject matter expertise and advice to directors, Chief Executive and elected members as required. ▪ Facilitate informed decision-making by ensuring elected members and officers are proactively apprised of issues and receive relevant best practice professional advice. 			

- Ensure own department delivers the policies set by elected members, ensuring all staff understand and act on the aims of the organisation, in order to meet the needs of the people of Plymouth.
- Embed climate change actions across the functions of the Legal Services department contributing to core reductions in support of the Council’s pledge to become carbon neutral by 2030.

Performance and Finance

- Take lead responsibility for the overall management of the department ensuring the Council’s financial, human resources and other assets are planned, deployed and managed effectively to deliver the priorities.
- Ensure the department provides cost effective and efficient services for customers.
- Embed a positive, innovative culture, which responds effectively and efficiently to deliver an outstanding customer focused service with best in class policies and practices which respond continually to the changing internal and external environments.

Customer and Communities

- Contribute to the development of programmes of local engagement and communication within the city with stakeholders and local communities designed to promote the work of the Council and own department and deepen the Council’s understanding of those it exists to serve.
- Create an environment and culture that empowers and requires employees to work collaboratively and effectively across the department, with the directorate/federation, organisation and with partners.
- Leads and challenges own direct reports to create continuous improvement and service delivery that is innovative, customer focussed and effective in delivering the Council’s agreed outcomes.

Partnerships and external relationships

- Develop and engage in mutually beneficial relationships with partners and, where appropriate, integration of service delivery, to successfully deliver expected outcomes and benefits for the city.
- To fulfil a proactive role at local, regional and if appropriate national level in promoting and advocating for the city and its communities to deliver improvements and opportunities for residents and businesses.

Governance

- To ensure the statutory duties of the department are met in accordance with legislation, guidance and regulatory requirements.
- Ensure effective measures are in place to manage and mitigate risk to protect the liability of the department (including civil contingencies).

Role Accountabilities	Role Outcomes
<p>Corporate and organisational</p> <ul style="list-style-type: none"> ▪ Act as the ‘responsible officer’ for all statutory functions of Legal Services, including the provision of services in line with current Council policies, and national and European legislation. ▪ Act as the principal advisor to the Council on legal matters. ▪ Under the Localism Act 2011 as Monitoring Officer to maintain arrangements for the handling of allegations under the Councillors’ 	<ul style="list-style-type: none"> ▪ Legal Services makes a demonstrable contribution to the Council and Plymouth being recognised as a safe and healthy place to work and live because of the services it delivers. ▪ Allegations against elected members are dealt with promptly and in line with established procedures. ▪ Legal Service’s workforce understand the Council’s values, priorities and desired

<p>Code of Conduct for Members, including their investigation and determination.</p> <ul style="list-style-type: none"> ▪ Lead the Legal Services management team to provide a modern, responsive and compliant service which is aligned to the Council's Corporate Plan. ▪ Accountable for the development and delivery of strategy and performance across Legal Services so that it supports Council aims and objectives. ▪ Develop a centre of expertise for procurement and contract management, and lead on this for the Council. <p>Performance and Finance</p> <ul style="list-style-type: none"> ▪ Accountable for the delivery of the departmental budgets as aligned to the corporate plan. ▪ Ensure there is an appropriate performance framework in place to manage service performance and delivery objectives within department. <p>Customer and Communities</p> <ul style="list-style-type: none"> ▪ Ensures services are focused on continuous improvement within agreed levels of customer satisfaction to best meet the needs of customers and citizens. ▪ Ensure Legal Services provide efficient processes and ease of use business focused support to customers. <p>Partnerships and External Relationships</p> <ul style="list-style-type: none"> ▪ Create and manage effective relationships and partnerships with a broad range of stakeholders, building support amongst them in order to deliver better public services. ▪ Promote the city by supporting and participating in key corporate events. <p>Governance</p> <ul style="list-style-type: none"> ▪ Deliver the statutory functions within Legal Services including those related to those of the Monitoring Officer, in line with current Council policies, and national and European legislation. ▪ Member of tactical command team for civil emergencies and business continuity in liaison with the police/other agencies as appropriate. Member of the out of hours' rota. 	<p>outcomes. There is demonstrable evidence of engagement and progress.</p> <ul style="list-style-type: none"> ▪ Collaborative approach to managing trade union/professional association and other relationships relating to employment matters. ▪ Statistical returns are made on time. ▪ Performance management framework clearly communicated, implemented and monitored to ensure good performance is recognised. Performance managed by outcomes and poor performance addressed quickly. ▪ Legal Services has a long term financial strategy and plan (MTFP) which is clear and actively communicated to CMT, elected members and the wider departmental workforce. The revenue and capital budget is delivered within agreed tolerances. ▪ Legal Services is able to demonstrate how it is performing against a range of performance indicators. Action is taken if performance fails to meet required standards. ▪ Customer experience and satisfaction is improved and there are measures in place to demonstrate that. Clear plans are in place where satisfaction is low. ▪ Strong legal and governance regional networks are established to best maximise investment from a range of funding agencies, grants and partners. ▪ Key partnerships are developed which have delivered better outcomes for Plymouth's employees/citizens. ▪ Legal Services links with other Council departments and partners to ensure coordination of activities including those relating to attraction, recruitment, retention of the core and peripheral workforce. ▪ Plans and training are in place and resourced to deal with a range of emergencies. Business continuity is in place. ▪ All Legal Services information is held securely, safely and in line with legal and statutory requirements. ▪ Effective measures are in place to manage and mitigate risk to protect the liability of the department and wider Council.
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<ul style="list-style-type: none"> ▪ Ensure the department is compliant with all statutory, regulatory, safeguarding and audit requirements and where applicable, those of Ofsted, CQC, Health and Safety Executive and Information Security. 	<p>Statutory functions are delivered, risks are mitigated and feedback is used to engender a culture of continuous improvement.</p>
<p>Essential Qualifications and Experience</p>	<p>Essential Skills and Behaviours</p>
<ul style="list-style-type: none"> ▪ A qualified solicitor and registered to practice law within the UK. ▪ Up-to-date knowledge of legislation, particularly the Local Government and Housing Act 1989, the Localism Act 2011 and other legislation relating to local authorities. ▪ Experience of working in a political or democratic environment. ▪ Leadership experience in a culture change environment ▪ Experience of deploying commercial and transformational acumen within medium or large organisations. ▪ Experience of developing strategies and translating them into effective operational plans gained in a multi-disciplinary organisation. ▪ Experience in working effectively and impartially with elected members/senior board/executive members and in supporting democratic decision-making processes. ▪ A broad knowledge of public sector service delivery including direct delivery and commissioning. ▪ Understanding of the principles of system leadership. ▪ Experience of using a range of change management and transformation methodologies to deliver impactful organisational change at pace. ▪ Experience of working and succeeding in complex partnership arrangements. ▪ Experience of leading a multidisciplinary workforce to drive performance and a successful culture. ▪ Experience of working within and promoting a health and safety and safeguarding culture. Demonstrable commitment and experience of celebrating and valuing diversity. 	<ul style="list-style-type: none"> ▪ Able to be a collaborative system leader across council with focus on culture change and transformational leadership. ▪ Able to translate complex strategies into what is required to deliver cultural, organisational and technological improvements. ▪ Able to work as part of a high functioning non siloed directorate team ▪ Able to translate vision, complex concepts, financial information, principles and practices into clear compelling organisational strategies and plans. ▪ Financial acumen to be able to interpret and interrogate complex financial information. Ability to think innovatively to identify income generation opportunities/income streams in own department in line with Council vision. ▪ Able to understand performance management systems and methods to drive continuous improvement for customers. ▪ Ability to influence, coach and mentor others to improve and build a high performance culture. ▪ Ability to challenge in a constructive manner, not afraid to tackle difficult behaviour and situations. ▪ Ability to develop and maintain effective dialogue with stakeholders including other service directors, directors, CMT, politicians and partners who provide of key public services, to protect and promote the best interests of the city.

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