



COUNCIL – 17TH APRIL 2018

SUBJECT: CONTRACT ARRANGEMENTS OF THE INTERIM CHIEF EXECUTIVE

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 The Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive.
- 1.2 On 5 December 2017, Council appointed Christina Harry to the post of Interim Chief Executive for a period of 6 months ending 30 June 2018. This report seeks a decision from Council to further extend this interim contract arrangement.
- 1.3 Members will be aware that as a consequence of this interim appointment, there is now also an interim arrangement in place for the post of Corporate Director, Communities. This report also requests that Council delegates the decision to extend the interim contract arrangements for the Corporate Director, Communities to the Interim Chief Executive in consultation with the Leader and the two Deputy Leaders.

2. SUMMARY

- 2.1 Interim arrangements have been in place for the positions of Chief Executive and Corporate Director, Communities as outlined in section 1 of this report, which now need to be reviewed by Council and a decision made with regards to their continuation.

3. LINKS TO STRATEGY

- 3.1 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015:
 - A more equal Wales
- 3.2 To achieve the Council's strategic aims, provide services as planned and to fulfil its statutory duties, including the duty to make arrangements to secure continuous improvement.

4. THE REPORT

- 4.1 Members will be aware of the interim arrangements that have been in place within the Authority since the suspension of the substantive Chief Executive in March 2013.
- 4.2 As stated, the Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive, who also undertakes the required statutory roles of Proper Officer for the registration of births, marriages and deaths and the Returning Officer.

- 4.3 Following the decision of the former Interim Chief Executive to not extend his interim contract beyond the end of December 2017, expressions of interest were invited from the three Corporate Directors on the Council's Corporate Management Team. Christina Harrhy indicated her willingness to undertake the post of Interim Chief Executive and at its meeting on 5 December 2017 Council confirmed Mrs Harrhy's interim appointment to this post for a period of six months effective from January 2018.
- 4.4 This interim contract is therefore due to end on 30 June 2018.
- 4.5 Members will be aware that allegations in relation to the Chief Executive have been referred to a Designated Independent Person (DIP) to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers. The DIP has indicated that it is likely to take until the end of the calendar year to conclude the investigation.
- 4.6 Consequently, it is necessary to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 30 June 2018.
- 4.7 Currently, the Authority is engaged in a number of significant projects, including City Deal, Twenty First Century Schools, management of the Medium-Term Financial Plan (MTFP) and the collaboration agenda. In order to provide ongoing continuity for the organisation, it is proposed to extend the Interim Chief Executive's contract until 30 June 2019, at which time it would be reviewed again.
- 4.8 This timeframe takes account of the estimated period for the investigation as outlined in 4.5 and allows the Council to progress the recommendation of the DIP, whilst maintaining stability for the organisation. Should circumstances change, this interim contract can be reviewed quickly.
- 4.9 If Council agrees to the extension of the fixed-term contract, the Interim Chief Executive will be employed on the agreed salary and terms and conditions as published in the Council's Pay Policy Statement.
- 4.10 For completeness, Members are advised that the Interim Chief Executive has indicated her agreement to an extension of the interim contract until 30 June 2019, subject to Council approval.
- 4.11 Members are asked to note that Welsh Government have been notified that Council are being asked to consider an extension to this interim appointment.
- 4.12 Members will be aware that as a consequence of Mrs Harrhy's appointment to the post of Interim Chief Executive, an interim appointment has been made to her substantive post i.e. Corporate Director, Communities.
- 4.13 Due to the circumstances outlined within this report which is requesting Council's agreement to consider an extension to the contract of employment for the Interim Chief Executive, Members are also asked to delegate authority to the Interim Chief Executive to extend this Interim Corporate Director appointment in consultation with the Leader and the two Deputy Leaders.
- 4.14 Should circumstances change, this interim contract can be reviewed quickly.
- 5. WELL-BEING OF FUTURE GENERATIONS**
- 5.1 Having considered the five ways of working, they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

- 6.1 No equality impact assessment has been undertaken on this report as it essentially covers an extension to arrangements already agreed.

7. FINANCIAL IMPLICATIONS

- 7.1 There are revenue budgets established for the posts of Chief Executive and Corporate Director, Communities and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.
- 7.2 Additional costs associated with the Senior Officer investigation have been funded from a provision established using General Fund reserves as approved by Council. A separate report is included on this evening's agenda regarding the need to establish a further financial provision.

8. PERSONNEL IMPLICATIONS

- 8.1 The personnel implications are included in this report.

9. CONSULTATIONS

- 9.1 All consultation responses have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 Council is asked to agree to extend the contract of the current Interim Chief Executive until 30 June 2019.
- 10.2 Council is asked to delegate the decision to extend the interim contract arrangements for the Corporate Director, Communities to the Interim Chief Executive in consultation with the Leader and the two Deputy Leaders.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure the Council complies with its statutory requirements to have in place a Head of Paid Service.
- 11.2 To ensure the Council has effective leadership to provide ongoing continuity for the organisation to deliver services to the residents of the County Borough.

12. STATUTORY POWER

- 12.1 Local Government Acts 1972 and 2000.
Local Government and Housing Act 1989.
Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.
Local Government (Wales) Bill 2015.

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Consultees: Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader
Cllr Sean Morgan, Deputy Leader
Cllr Colin Gordon, Cabinet Member for Corporate Services
David Street, Corporate Director, Social Services
Stephen Harris, Interim Head of Corporate Finance and Acting S151 Officer
David Marr, Legal Advisor

Background papers: Council report 22 July 2014 'Recruitment of Interim Chief Executive'
Council report 9 June 2015 'Contract arrangements of Interim Chief Executive'
Council report 19 April 2016 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'
Council report 31 July 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'
Council report 31 October 2017 'Potential Settlement Agreements'
Council report 21 November 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'
Council report 5 December 2017 'Designation of Interim Head of paid Service'
Council report 17 April 2018 'Internal investigation of Senior Officer – additional financial provision'