

**Wiltshire Council**

**Council**

**12 November 2013**

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**Statutory Post of Head of Paid Service**

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**Summary**

1. The council has a statutory duty under Section 4 Local Government and Housing Act 1989 to designate one of its officers as the head of paid service.
2. It is proposed that the statutory role of head of paid service is discharged by the corporate directors on a rotational basis with each corporate director taking on this responsibility for a period of four calendar months.
3. Responsibility for overseeing the role of the chair of the Local Safeguarding Children Board (LSCB) will be undertaken by Maggie Rae and Carlton Brand on an alternating annual basis to ensure that there is no conflict of interest when the director of children's services is the head of paid service.
4. Subject to council's approval it will be necessary to amend the constitution to reflect these arrangements.

**Proposal**

5. **Council is, therefore, asked:**

**(1) To agree that the statutory role of head of paid service is designated to the three corporate directors on a rotational basis of 4 calendar months each in accordance with the arrangements set out in paragraphs 12 and 13 of this report.**

**(2) To ask the monitoring officer to amend the constitution to reflect these arrangements.**

**Reason for proposal**

6. To strengthen further the organisational leadership role of the corporate directors and ensure that the council's safeguarding responsibilities under revised statutory guidance are met.

**Ian Gibbons**

**Associate Director, Legal and Governance and Monitoring Officer**

**Wiltshire Council**

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**12 November 2013**

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## **Statutory Post of Head of Paid Service**

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### **Purpose of Report**

1. The purpose of this report is to seek council's approval of arrangements for the rotation of the statutory role of head of paid service between the three corporate directors having regard to recent statutory guidance on the council's safeguarding responsibilities.

### **Background**

2. The council has a statutory duty under Section 4 Local Government and Housing Act 1989 to designate one of its officers as the head of paid service. Whilst this is usually a role undertaken by a chief executive this statutory function can be any officer within the council, other than the monitoring officer.
3. The head of paid service has a duty, where they consider it appropriate to do so, to prepare a report to the council setting out their proposals in respect of any of the following matters:
  - the manner in which the discharge of the different functions of the council is co-ordinated;
  - the number and grades of staff required by the council for the discharge of its functions;
  - the organisation of the council's staff; and
  - the appointment and proper management of the council's staff.
4. Following the deletion of the chief executive post in 2011, and the implementation of a new leadership model for the council, council agreed to designate this statutory function to the service director HR & OD, as the lead professional in the council for all staffing matters. It was also agreed that the service director HR & OD would be a member of the corporate leadership team as head of paid service.
5. At its meeting on 9 July 2013 council considered cabinet's recommendation of 21 May 2013:

*To approve and recommend to Council that the statutory head of paid service role now becomes the responsibility of the corporate directors, on a rotational basis, and that the monitoring officer is instructed to make any consequential amendments to*

*the constitution.*

6. Cabinet's decision was based on the following:
  - the need to reflect recent statutory guidance on the council's safeguarding responsibilities.
  - further strengthening of the organisational leadership role of the corporate directors.
7. Council considered cabinet's recommendation at its meeting on 9 July 2013 and agreed to appoint Maggie Rae, Director of Public Health and Adult Care, as the statutory head of paid service pending a further report to council on 12 November 2013 on the proposed arrangements for the rotation of the role of head of paid service between the corporate directors, having regard to the statutory guidance on the council's safeguarding responsibilities.

### **Main Considerations for the Council**

8. It is proposed that the statutory role of head of paid service is discharged by the corporate directors on a rotational basis with each corporate director taking on this responsibility for a period of four months.
9. The Department for Education has issued guidance this year on safeguarding children:
  - *Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services* (April 2013);
  - *Working Together to Safeguard Children* (March 2013).
10. This guidance requires the chair of the Local Safeguarding Children's Board (LSCB) to report to the local authority's chief executive / head of paid service (or equivalent) and to be held to account for the effective working of the LSCB. The guidance makes it clear that the role of overseeing the work of the chair of the LSCB should not be undertaken by the director of children's services. It is intended to ensure that all those in chief executive positions, or the equivalent, should have accountability for safeguarding.
11. In order to satisfy the requirements of the guidance within the council's leadership structure it is proposed that Maggie Rae and Carlton Brand discharge the role of overseeing the work of the chair of the LSCB on an alternating annual basis. This recognises that under the guidance Carolyn Godfrey is unable to carry out this role as the director of children's services and also ensures greater continuity in executing the role, rather than changing every four months with the rotation of the head of paid service.
12. In order to bring these arrangements in line, therefore, it is proposed that the role of head of paid service is discharged as follows:

12 November 2013 – 31 December 2013	Carolyn Godfrey, corporate director and statutory officer for children's services
1 January 2013 – 30 April 2014	Carlton Brand, corporate director and returning officer
1 May 2014 - 31 August 2014	Maggie Rae, corporate director and statutory officer for public health and adult care
1 September 2014 - 31 December 2014	Carolyn Godfrey

This arrangement to continue on the same basis for these designated posts in subsequent years.

13. It is further proposed that oversight of the role of the chair of the LSCB as envisaged by the statutory guidance is undertaken as follows:

12 November 2013 to 31 December 2013	Maggie Rae
1 January 2014 to 31 December 2014	Carlton Brand

Thereafter on an alternating annual basis between these two corporate director posts .

14. Subject to council's approval, it will be necessary to amend the constitution to reflect these arrangements.

### **Environmental Impact of the Proposals**

15. There is no environmental impact as a result of these proposals

### **Safeguarding Implications**

16. The proposed arrangements are consistent with the statutory guidance on the role and responsibilities of the director of children's services and the effective discharge of the council's safeguarding responsibilities generally.

### **Equalities Impact of the Proposal**

17. There is no equalities impact arising from this proposal.

### **Risk assessment**

18. There are no risks identified as a result of this proposal.

### **Financial Implications**

19. None identified as a result of this proposal.

### **Legal Implications**

20. It is open to the council to designate the statutory role of head of paid service to the corporate directors on a rotational basis. This change will need to be reflected in the constitution.

21. The proposed arrangements satisfy the statutory guidance issued by the Department for Education on the council's safeguarding responsibilities.

### **Options Considered**

22. No other options adequately satisfy the requirements of the statutory guidance.

**Ian Gibbons**

**Associate Director Legal and Governance and Monitoring Officer**

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**Unpublished reports relied upon in the preparation of this report: None**