

[NOT PROTECTIVELY MARKED]

CITY OF
WOLVERHAMPTON
C O U N C I L

Council Meeting

Wednesday, 6 December 2023

Dear Councillor

COUNCIL - WEDNESDAY, 6TH DECEMBER, 2023

I am now able to enclose, for consideration at next Wednesday, 6th December, 2023 meeting of the Council, the following report that was unavailable when the agenda was printed.

Agenda No Item

9 **Appointment of Section 151 Officer and Other Senior Vacancies** (Pages 3 - 8)

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CITY OF WOLVERHAMPTON COUNCIL	Council 6 December 2023
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Report title	Appointment of Section 151 Officer and Other Senior Vacancies	
Decision designation	RED	
Cabinet member with lead responsibility	Councillor Stephen Simkins Leader of the Council	
Wards affected	All Wards	
Accountable director	Tim Johnson, Chief Executive	
Originating service	Chief Executive	
Accountable employee	Tim Johnson	Chief Executive
	Tel	01902 554500
	Email	tim.johnson@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendations for decision:

The Council is recommended to approve:

1. With effect from 6 December 2023 the statutory Section 151 Officer function will be assumed by the Deputy Chief Executive as part of the transitional arrangements following the resignation of the Director of Finance.
2. The implementation of the job allocation outcome for the Chief Accountant post from Grade 12 to Grade 13 with effect from 10 August 2023.
3. Following the job allocation review that the Chief Accountant (Deputy Section 151 Officer) is redesignated to Deputy Director of Finance as per the current structure for Grade 13 posts, retaining the Deputy Section 151 Officer responsibility.
4. Appoint with immediate effect, James Howse, Interim Director of Finance, as a further Deputy Section 151 Officer.

5. Interim arrangements will be considered to ensure a smooth transition for the Director of Adults post pending the secondment to the vacancy - any interim Director of Adults will assume the statutory DASS responsibility.
6. The redesignation of the vacant Executive Director of Families post to Executive Director with effect from 6 December 2023.
7. The funding for the vacant Executive Director post (detailed at para 1.5) will be funded from corporate budgets should that be required, following the review by the Chief Executive of strategic capacity.

Recommendations for noting:

The Council are recommended to note:

1. The Director of Finance, currently the Section 151 Officer leaves the Council on 26 January 2024.
2. Interim arrangements have been made to ensure a smooth transition for the Director of Finance post pending the permanent recruitment to the vacancy, with James Howse, an experienced Section 151 Officer, as interim Director of Finance.
3. The Director of Adults, currently the statutory DASS will be leaving the Council in the new year (2024).
4. The 12 month secondment opportunity for the Director of Adults (including the DASS function) post will be subject to a Special Appointments Committee as per the Constitution.
5. The dedication, commitment and positive impact that both the Director of Finance and Director of Adults have had on our council and city.
6. The Chief Executive will be carrying out a review of strategic capacity within senior officers and in the event that the vacant Executive Director role is required it would subject to a Special Appointments Committee as per the Constitution and have responsibility for portfolios as determined by the Chief Executive.

1.0 Purpose

- 1.1. The report seeks approval from Council for the interim arrangements put in place following the resignation of the Director of Finance and imminent departure of the Director of Adults, this will ensure a smooth transition and a clear understanding of responsibility and accountability for the statutory Section 151 officer and statutory DASS function.
- 1.2. The report recommends that the independent job allocation review outcome for the Chief Accountant (Deputy Section 151 Officer) post is implemented (and backdated to 10 August 2023) and that the post is redesignated to Deputy Director of Finance (Deputy Section 151 Officer) in line with our current structure for Grade 13 posts.
- 1.3. The Council will go out to external recruitment for the permanent Director of Finance (Section 151 Officer) early in 2024.
- 1.4. The report also recommends a 12 month secondment opportunity for the Director of Adults (statutory DASS) post; true to our commitment of growing our own, this will also be subject to a Special Appointments Committee as per the Constitution.
- 1.5. In the light of the recent departures the Chief Executive will be reviewing strategic capacity to ensure that there are sufficient resources to continue to ensure the Council's performance in a challenging financial environment. In the event that it is required, following the strategic review, the report ensures that the vacant Executive Director post can be recruited to, with portfolios as determined by the Chief Executive.
- 1.6. The report also requests funding of £183,000 (for the total costs including salary and other employment costs) for the vacant Executive Director post, should it be required, this funding will be funded from existing corporate budgets.

2.0 Background and Proposals

- 2.1 The Chief Executive and the Strategic Executive Board (SEB) have put in place transitional and interim arrangements following the resignation of Director of Finance and will be doing so following the notification of the Director of Adults intention to leave the Council in the new year (2024) in order to take up a promotion at another authority.
- 2.2 The Director of Finance currently holds the responsibility for the statutory Section 151 officer function.
- 2.3 The Director of Adults currently holds the responsibility for the statutory DASS function.
- 2.4 It is proposed that the Deputy Chief Executive assumes the responsibility of the Section 151 function with effect from 6 December 2023 to allow for essential transitional arrangements to take place as the Director of Finance will be leaving the Council on 26 January 2024.

- 2.5 Interim resource has also been arranged to carry out the role and responsibility of the Director of Finance post pending the permanent recruitment to the post, which will take place in 2024. The interim Director of Finance will assume Deputy Section 151 Officer responsibility. The interim Director of Finance, James Howse, is an experienced Section 151 Officer and has joined for a 6 month period to provide additional support following the departure of the current Director of Finance whilst an external recruitment process is undertaken.
- 2.6 True to our commitment to growing our own it is proposed that the Executive Director and the Director of Adults (Statutory DASS) post will be advertised as 12 month secondment opportunities, the appointments will be subject to a Special Appointments Committee as per the Council's Constitution.
- 2.7 Following the departure of the Executive Director of Families, the post has remained vacant – as set out above the Chief Executive will be reviewing strategic capacity to ensure that there are sufficient resources to continue to ensure the Council's performance in a challenging financial environment - it is proposed that this post is redesignated to Executive Director to provide strategic capacity to deliver on the Council's priorities in the event that the above review determines that the role is needed.
- 2.8 Should it be required the Executive Director post would report directly into the Chief Executive and funded from existing corporate budgets.
- 2.9 All Special Appointments Committees are appointed in line with the Employee Employment Procedure Rules within the Council's Constitution.
- 2.10 Following an independent job allocation review, undertaken by West Midlands Employers, the Chief Accountant (Deputy Section 151 Officer) post has been evaluated as a Grade 13 post (currently a Grade 12). It is therefore proposed that this outcome is implemented and backdated to 10 August 2023 (the date in which the additional duties and responsibilities were recognised and submitted for an allocation review).
- 2.11 It is proposed that the Chief Accountant is redesignated to Deputy Director of Finance in line with the current structure for Grade 13 posts. The Deputy Director of Finance post will also carry the Deputy Section 151 Officer responsibility.

3.0 Evaluation of alternative options

- 3.1 It is essential the statutory Section 151 and statutory DASS functions are aligned to an officer within the Council, with clear responsibility and accountability.
- 3.2 The interim arrangements have/are being made and have been proposed to ensure the smooth transition of responsibilities for statutory functions, minimising risk and providing assurance that we will continue to deliver for our city.
- 3.3 The secondment opportunities for 12 months not only supports our commitment to 'growing our own' talent but also allows the Chief Executive and Strategic Executive Board time to review the impact and review future alternative structural arrangements.

3.4 The development of any further proposals will include consultation with senior management.

4.0 Reasons for decision

4.1 The recommendations in this report are designed to ensure there is the required senior officer resource in place to strengthen the Council's Senior Management Structure and ensure continuity for statutory functions.

5.0 Financial implications

5.1 The financial implications of the recommendations outlined in this report are detailed in the paragraphs below:

5.2 The costs associated with the redesignation of the Chief Account to Deputy Director of Finance, including on costs is in the region of £8,800. The projected costs of the appointment of the interim Director of Finance is in the region of £155,000. These costs will be met from existing budgets held for the Director of Finance and from budgets held within corporate budgets.

5.3 There are no additional financial implications with assigning the Section 151 function to the Deputy Chief Executive and offering the Director of Adult Services post as a secondment opportunity.

5.4 The Director of Children's Services Appointment report presented to Council on 13 September approved that the budget held for the Executive Director of Families be used to fund the Director of Children's Services post. Therefore, this report seeks approval to allocate £183,000 from existing budget held under corporate budgets to fund the Executive Directors post, in the event that this role is required.
(AS/29112023/V)

6.0 Legal implications

6.1 These proposals satisfy appropriate legislative requirements and comply with the Council's Constitution.
[DP/30/11/2023/A]

7.0 Equalities implications

7.1 The Special Appointments Committee will be representative in terms of race and gender and have completed unconscious bias training. A representative from an Employee Equality forum will also be a (non-voting) member of the Special Appointments Committee.

8.0 All other implications

- 8.1 There are no direct climate change and environmental implications arising from this report, any new post holders will have due regard to climate change and environmental implications whilst carrying out their roles.
- 8.2 There are no direct health and wellbeing implications arising from this report. Health and wellbeing remains a key priority for the Council.
- 8.3 The human resources implications will be dealt with as per Council's policies.
- 8.4 Any further restructuring, if required, will be undertaken in accordance with the City of Wolverhampton Council's Restructure Policy and Procedures, including consultation with the trade unions.