

**Report to:** Governance Committee

**Date of meeting:** 28 January 2020

**By:** Chief Operating Officer

**Title:** Amendment to the Constitution – Officer Employment Procedure Rules

**Purpose:** To consider a minor amendment to the Constitution relating to the appointment of chief officers and deputy chief officers

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## **RECOMMENDATIONS**

**The Governance Committee is recommended to recommend the County Council to agree to the Constitution being amended as set out in this report.**

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### **1 Background**

1.1 The Officer Employment Procedure Rules are set out in Part 4 – Rules of Procedure, of the Constitution. Paragraph 4 provides for the appointment of chief officers and deputy chief officers. A copy is attached at Appendix 1.

1.2 The Council's Scheme of Delegation to Officers delegates authority to the Chief Executive to: (1) appoint to Assistant Director posts where there is no competitive process; and (2) in consultation with Group Leaders, to make temporary appointments to Assistant Director roles.

### **2 Supporting information**

2.1 The significant majority of appointments to posts at this level are made through the usual recruitment and appointment process as set out in the Officer Employment Procedure Rules. There are, however, a few circumstances where, in support of the needs of the service, to avoid unnecessary delay and in the interests of administrative efficiency, a temporary appointment to a role at this level is the most appropriate course of action and in these circumstances, the delegation to the Chief Executive is operated.

2.2 The Governance Committee will be aware that at its meeting on 18 December 2019, Cabinet approved the proposal for East Sussex County Council to work with West Sussex County Council as an improvement partner, including sharing the services of the Chief Executive of East Sussex County Council and other officers as required. A number of the potential benefits to this arrangement were detailed in the report, ranging from working with local NHS and other partners through to transport and infrastructure projects. It is therefore anticipated that other senior officers will have a positive contribution to make to the development and delivery of the service improvement plans with West Sussex County Council, and the consequential benefits that this could have for ESCC and may therefore be involved in this work.

2.3 One of the key principles in entering into the arrangement is that East Sussex County Council should not suffer any detriment, whether financial or in service delivery. It is anticipated that some of the support will only be required on a temporary basis. It will be important to ensure that where other senior officers are involved in supporting WSCC's improvement plans, there remains sufficient capacity and resource in ESCC to ensure the continued delivery of our efficient and high quality services.

2.4 In support of this, a further benefit of operating such temporary arrangements is that it provides the opportunity for our succession planning arrangements to be tested and individuals to have the opportunity to work at a higher level for a temporary period.

2.5 It is therefore proposed that the delegation to the Chief Executive in Paragraph 4 of the Officer Employment Procedure Rules is amended to state: *Authority has been delegated to the Chief Executive to: (1) appoint to Assistant Director posts where there is no competitive process; and (2) in consultation with Group Leaders, to make temporary appointments to **Chief Officer and Assistant Director** roles.*

### **3. Conclusion and Recommendations**

3.1 Amending this delegation will ensure that the Council is able to respond swiftly to any temporary movements at a senior officer level whilst safeguarding the continued high level delivery of our services. The delegation includes the requirement for temporary appointments to be undertaken in consultation with Group Leaders thereby ensuring Members are still involved in the process appropriately.

3.2 Set against the above background, the Governance Committee is recommended to agree a minor amendment to the Constitution to delegate to the Chief Executive the authority to make temporary appointments to Chief Officers (and Assistant Directors) in consultation with Group Leaders.

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