

## EMPLOYMENT COMMITTEE

THURSDAY 17 SEPTEMBER 2015

7.00 PM

Forli Room - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Minutes of the Meeting Held on 22 July 2015**

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4. **Changes to Employee Policies and Procedures**

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5. **Shared Chief Executive Arrangements Between Peterborough City Council and Cambridgeshire County Council**

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Committee Members:

Councillors: M Nadeem (Chairman), J Holdich (Vice Chairman), W Fitzgerald, N Khan, Thulbourn,  
C W Swift and N Sandford

Substitutes: Councillors: D Lamb, Forbes, B Saltmarsh and Davidson

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733  
452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk)



**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 22 JULY 2015**

**Members Present:** Councillors Nadeem (Chair), Holdich (Vice-Chair), Khan, Thulbourn, Swift and Sandford

**Officers Present:** Kim Sawyer, Director of Governance  
Paul Smith, Human Resources Advisor  
Karen Craig, Policy and Reward Team Leader  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Fitzgerald.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting Held on 17 June 2015**

The minutes of the meeting held on 17 June 2015 were agreed as a true and accurate record.

**4. Exclusion of the Press and Public**

In accordance with Standing Orders, the Committee was asked to determine whether item 7, 'Senior Management Restructuring – Service Director City Services and Communications – Determination Of Salary', which contained exempt information relating to contemplated consultations or negotiations in connection with a labour relations matter arising between the authority and employees or office holders of the authority as defined by Paragraph 4 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when the item discussed, or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exclusion of the press and public for agenda item 7.

**5. Changes to Employee Policies and Procedures**

The Human Resources Advisor presented a report to the Committee following a review of a number of HR policies in the light of legislative and policy changes.

The report sought the Committee's approval for a number of employment policies and procedures, as set out in the report. Five of the proposed policies were amendments to existing policies. Two, the Substance Misuse and Alcohol Policy, and the Domestic Abuse Policy, were entirely new.

It was agreed to consider each of the policies proposed for approval individually.

Loyalty Award Scheme

A motion was proposed and seconded to approve the Loyalty Award Scheme. This motion was carried unanimously.

**RESOLVED** that the Loyalty Award Scheme be approved.

#### Travel and Subsistence Policy

The Committee discussed the requirement set out in the policy to produce a 'VAT receipt'. It was noted that there were occasions when VAT was not applicable, as such no VAT receipt would be available.

The Policy and Reward Team Leader advised that if there was no VAT payable, then a VAT receipt would not be expected. It was suggested that this could be amended in the policy, for clarity.

A motion was proposed and seconded to approve the Travel and Subsistence Policy, subject to the policy being amended to clarify that where VAT was not payable, no VAT receipt would be required. This motion was carried unanimously.

**RESOLVED** that the Travel and Subsistence Policy be approved, subject to the policy being amended to clarify that where VAT was not payable, no VAT receipt would be required.

#### Substance Misuse and Alcohol Policy

Following a question from the Committee it was explained that this was a new policy and that a separate policy existed in relation to smoking.

A motion was proposed and seconded to approve the Substance Misuse and Alcohol Policy. This motion was carried unanimously.

**RESOLVED** that the Substance Misuse and Alcohol Policy be approved.

#### Domestic Abuse Policy

The wording of the policy, where it referenced 'violence and abuse against women and girls and domestic and sexual violence against men' was questioned. It was suggested that this was exclusionary. The Committee noted, however, that the policy stated 'The Council is committee to tackling all forms of violence and abuse'.

Mark Burns, a Union representative, advised that following consultation, the trade unions were happy with the proposed wording.

A motion was proposed and seconded to approve the Domestic Abuse Policy. This motion was carried unanimously.

**RESOLVED** that the Domestic Abuse Policy be approved.

#### Maternity Scheme

A motion was proposed and seconded to approve the Maternity Scheme. This motion was carried unanimously.

**RESOLVED** that the Maternity Scheme be approved.

#### Maternity Scheme for Teachers

In response to a questions from the Committee, the Policy and Reward Team Leader explained that this Scheme varied from the standard Maternity Scheme, as teachers were employed subject to their own terms and conditions, which were set nationally.

The Human Resources Advisor advised that as free schools had the option to employ unqualified teachers the scheme would not apply to those staff.

A motion was proposed and seconded to approve the Maternity Scheme for Teachers. This motion was carried unanimously.

**RESOLVED** that the Maternity Scheme for Teachers be approved.

#### Adoption Scheme

In response to a question from the Committee the Policy and Reward Team Leader clarified that the policy identified the different requirements and entitlements in relation to adoptions from overseas and within the United Kingdom. All the payments in the policy were statutory.

The policy also applied where an employee had fostered a child, with the intent to adopt.

A motion was proposed and seconded to approve the Adoption Scheme. This motion was carried unanimously.

**RESOLVED** that the Adoption Scheme be approved.

#### **Reasons for the decision:**

To ensure that the Council operated within legislation including the Children and Families Act 2014.

To move forward with improved Human Resources policies.

### **6. Salary Sacrifice Car Leasing Scheme for Employees**

The Human Resources Advisor presented a report to the Committee following on from savings approved in the Council's Medium Term Financial Strategy, whereby it was identified that introducing a salary sacrifice scheme would save a significant amount.

The report sought the Committee's approval for the introduction of a Salary Sacrifice Car Scheme for employees and the revision of car mileage rates whereby staff who participate in the scheme would be reimbursed for the petrol element only in the nationally agreed car mileage rates.

The Committee were pleased to see that an emission limit was to be included in the scheme and sought confirmation that other forms of transport were included.

The Human Resources Advisor advised that a scheme was already in place of bicycles. The position in relation to travel passes would have to be looked at in further detail, as this was prescribed by the HMRC. It was suggested that a report could be brought back to Committee, investigating other possible uses of the Salary Sacrifice Scheme.

In response to a questions from Committee, is was explained that there was no limit on the amount of salary which could be sacrificed under the scheme, though an employee's salary would need to remain above the statutory minimum wage. The scheme would be available to permanent employees only. School teachers were exempt from the scheme as they were not permitted to deviate from their standard rate of pay.

The Committee expressed reservations regarding the potential risks of the scheme. It was clarified that risks were considered to be low and that, as a salary sacrifice rather than a loan, the funding of the scheme would be a high priority in relation to other payments.

A motion was proposed and seconded that the officer recommendation be agreed, with an additional request for officers to investigate extending the Salary Sacrifice Scheme and to bring a subsequent report back to the Employment Committee. This motion was carried unanimously.

**RESOLVED** that:

- 1) The introduction of a Salary Sacrifice Car Scheme for employees be approved, as set out in the report;
- 2) The revision of car mileage rates, whereby staff who participate in the scheme would be reimbursed for the petrol element only in the nationally agreed car mileage rates, be approved; and
- 3) A further report be brought back to a later meeting of the Employment Committee regarding extensions of the Salary Sacrifice Scheme to other potential schemes.

**Reasons for the decision:**

By introducing a salary sacrifice scheme for lease cars, it gave a recruitment and retention benefit to the Council's employees whilst also providing savings to the Council.

The proposal to limit the employee choice of cars to greener models also supported the Council's Environment Capital and Energy Innovation priorities.

#### **7. Senior Management Restructuring – Service Director City Services and Communications – Determination of Salary**

As agreed at agenda item 4 the meeting moved into exempt session. Following advice from the Director of Governance, it was agreed that Mark Burns, Union representative, would be permitted to remain to observe the Committee providing the contents of the meeting remained confidential.

The Human Resources Advisor presented a report to the Committee Officer's recommendation was to place the Service Director City Service and Communications at the median point of Pay Band 5.

It was noted that to award the recommended pay would reflect an increase in pay of £20,000 and it was unclear to a number of Committee members how the post's additional responsibilities reflected this.

The Human Resources Advisor explained the post in question included the work of a number of previous roles, one of which had been paid approximately £80,000. The post was considered to be one of the larger jobs within the authority.

The Committee questioned the basis on which Hay amended their evaluation. It was advised that Hay considered three aspects of a post: skills and knowledge required, the impact of the post holder's actions and the resources the post holder was responsible for. The impact of the Service Director City Services and Communications had been reconsidered, as the impacts of decisions by the post holder could affect the whole of Peterborough and the Council.

The Committee believed emphasis needed to be made on getting decisions relating to pay right in the first instance.

It was requested that training be provided on the method of job evaluation Hay used. The Human Resources Advisor confirmed that this could be integrated in an upcoming training session.

A number of Committee Members suggested setting the post holders pay at the minimum point, rather than median. It was advised by officers that as the post had previously been appointed at the median point of Pay Band 6, it should also be in this position in Pay Band 5. Points within bands were determined on experience. As this remained the same, so should the positioning within the band.

A motion was proposed and seconded that the appropriate remuneration for the post Service Director City Services and Communications be the median point on Pay Band 5, £83,580. This motion was carried five voting in favour and one abstaining from voting.

**RESOLVED** that the appropriate remuneration for the post of Service Director City Services and Communications be the median point on Pay Band 5, £83,580.

**Reasons for the decision:**

The proposal was in accordance with Peterborough City Council's job evaluation policy for senior staff.

Chair  
7:00pm – 8:08pm

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<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 4
<b>17 SEPTEMBER 2015</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Seaton, Cabinet Member for Resources.	
Contact Officer(s):	Mandy Pullen - Assistant Director Human Resources	Tel. (01733) 384500

## CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

R E C O M M E N D A T I O N S	
<b>FROM :</b> Trade Union Representatives	<b>Deadline date :</b> N.A.
<p>It is recommended that Employment Committee agrees to implement the following employment policy and procedures for centrally employed teachers.</p> <ul style="list-style-type: none"> <li>i) Teacher's Pay Policy (Appendix 1);</li> <li>ii) Teacher's Appraisal Policy (Appendix 2)</li> <li>iii) Teacher's Capability Process (Appendix 3)</li> </ul>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Employment Committee following agreement from members of the Joint Consultative Forum and Education Consultative Forum.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the Council maintains up to date and legal employment policies.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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### 4. BACKGROUND

- 4.1 The council directly employs teachers at Clare Lodge, in the Access & Inclusion (Neurodevelopment) team and the Pupil Referral Unit. The terms and conditions of employment for teachers are nationally agreed and are set out in the School Teachers Pay & Conditions document (STPCD) 2015. September 2013 was the last time that annual pay increments were automatically awarded to teachers. Pay

progression was linked to performance with the first annual performance related pay increases being awarded where applicable in September 2014. The council has undertaken an annual review of the Teacher's policies linked to pay to ensure that a clearly set out policy in respect of pay, appraisal and capability is in place for its centrally employed teachers.

4.2 The policies apply to all employees in a teaching role including Assistant, Deputy, and Head Teachers.

4.3 Pay Policy

This policy sets out how the council will take decisions on teachers' pay. It had been agreed that the council should retain the previous national pay ranges for three years and this policy proposes that the council will continue to apply any nationally negotiated inflationary increases for all pay points and grades for the academic year 2015-2016. It is proposed that the policy should be reviewed again in September 2016.

4.4 Appraisal Policy

This policy details the framework for a clear and consistent assessment of the teachers' performance. This follows the principles of the STPCD 2015. There are no further changes.

4.5 Capability Policy

This details the process that would be followed in the event that there are serious concerns raised about the employee's performance that have not been addressed by the appraisal process. This follows the principles of the STPCD 2015. There are no further changes.

**5. CONSULTATION**

5.1 The education unions and the joint trade unions were informed of this proposal during September 2015.

**6. ANTICIPATED OUTCOMES**

6.1 Implementation of these policies will ensure that the employees are fully aware of how pay and appraisal will be managed going forward.

**7. REASONS FOR RECOMMENDATIONS**

7.1 These proposed changes are to ensure the Council operates within the STPCD 2015.

**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 The policies were considered against:

- (a) those published by some other local government employers; and trade unions; and
- (b) the STPCD 2015.

**9. BACKGROUND DOCUMENTS**

- School Teachers' Pay & Conditions Document 2015.

**10. APPENDICES**

- Teacher's Pay Policy (Appendix 1);
- Teacher's Appraisal Policy (Appendix 2); and
- Teacher's Capability Process (Appendix 3).

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## TEACHER'S PAY POLICY

### 1. Purpose of the Policy

This policy sets out how the council will take decisions on teachers' pay and how it will use the discretionary powers available to it in the teachers' pay structure. It also sets out the timetable for annual pay reviews, identifies those who have responsibility for decisions on pay and describes the procedure for appeals against pay decisions.

### 2. Aims of the Policy

The council is committed to taking decisions in accordance with the 'key principles of public life' – objectivity, openness and accountability – and to ensuring equality of opportunity for staff and pupils and compliance with discrimination legislation. The council intends that this policy will assist in achieving these objectives.

### 3. Policy Principles

3.1 The pay tables in the September 2015 pay policy are the same as the figures set out in the School Teachers Pay & Conditions 2015 document. PCC intend to maintain the main pay range, upper pay range and leadership group pay scales. Details of these can be found at Appendix A.

3.2 Pay decisions will be taken in the context of full consideration of the resources available. This means that pay decisions relating to any given group of staff will not be taken in isolation.

3.3 Employee pay is affected by legislation, and national and local pay agreements, which gives employers significant flexibility to determine pay levels to meet local circumstances. The policy complies with the School Teachers' Pay & Conditions Document 2015 (STPCD) and the accompanying statutory guidance, and these documents will take priority in any disputes. The Policy will be reviewed annually, in consultation with staff and unions.

3.4 The centrally employed teachers staffing structure, setting out the number of teaching posts, allocation of responsibilities to each post and any TLR payment attached to each post, is published as Appendix B to this policy.

3.5 September 2013 was the last time that annual pay increments were awarded to teachers based on their length of service. Revised pay progression arrangements came into force with effect from appraisal targets set in the autumn term 2013. Pay progression is linked to performance with the first annual performance related pay increases being awarded where applicable in September 2014.

### 4. Responsibility for Policy

4.1 The council will delegate responsibility in relation to this policy to the Corporate Director for People & Communities.

4.2 The pay policy will be set and reviewed by the Corporate Director for People & Communities in conjunction with members of the Education Consultative Negotiating Forum.

Formal agreement will be sought at JCF and Employment Committee. Appeals from individuals about the application of the pay policy will be dealt with by the pay review committee. Terms of reference for the pay review committee are detailed at Appendix C

4.3 Heads of Service should ensure the operation of effective performance management reviews and pay progression decisions within their service, and to recommend the pay and grading of leadership posts.

4.4 Head Teachers should ensure the operation of effective performance management and pay progression decisions within their schools and make decisions on starting salaries and recommendation on pay progression below leadership post level

4.5 The HR Business Partner is available to advise on any aspect of managing and implementing the pay policy and adopting appropriate structures within teams/service areas.

## 5. Pay Assessments

Annual pay assessments will be carried out for all teachers with effect from 1 September each year according to the statutory provisions and the criteria set out in this policy.

Assessments will be carried out at the earliest possible opportunity and in all cases no later than 31 October or, in the case of the head teacher, 31 December and backdated to 1 September. Assessments may be carried out at other times where appropriate according to the terms of the STPCD.

All teachers will be provided with a written statement following the annual pay assessment setting out their total pay entitlements, including pay scale position and any additional payments, together with the reasons for any pay decisions taken.

Any nationally agreed inflationary increases will be applied as per the salaries given in this policy.

## 6. Teachers Pay

The council will allocate pay scale points for teaching experience according to the mandatory requirements of the STPCD. These points are permanent\*. Once allocated, experience points cannot be taken away, regardless if they are mandatory or discretionary and whether the teacher stays in the same school or moves to another school.

\*Unless in exceptional circumstances the salary assessment made by a previous employer was clearly over generous in relation to the teacher's experience.

From 1 September 2013 there were no national ranges for main scale or upper pay scale posts. The city council will retain the Main Scale at 6\* points and the Upper Pay Scale at 3 points and Leadership pay scales L1 to L43 for the period from 1.9.15.-31.8.16.

Pay progression will be linked entirely to performance.

Any teacher who completes their probationary year successfully will be entitled to pay progression from 1 September of the following year.

The council will not exercise its discretionary power to award additional payments to eligible staff who participate in:

- In-service training undertaken at weekends and school holidays;
- out of school learning activities;

- Activities related to the provision of Initial Teacher Training.

The council will exercise its discretionary power to withhold scale points on the main scale for “inadequate” performance. Any case of alleged unsatisfactory performance will be dealt with according to the council’s agreed capability procedures for teachers.

Newly Qualified Teachers in their first year will normally be paid on the minimum of the main pay range.

## 7. Part time Teachers

Teachers who work less than a full day or week are deemed to be part-time. The proportion of full-time will be calculated in accordance with the Teachers Pay & Conditions Document:

$$\frac{\text{Teacher's timetabled teaching time}}{\text{School's timetabled teaching time}} = \text{part-time percentage}$$

Part-time teachers will be expected to work a corresponding proportion of directed time and will receive a corresponding proportion of a full- time salary

## 8. Unqualified Teachers Pay

The council may pay unqualified teachers who are on one of the employment based routes into teaching in accordance with the provisions for qualified teachers set out above. This will be dependent on their qualifications and experience.

The council will pay other unqualified teachers on the unqualified teachers scale. Their scale point will take account of relevant experience (on the same basis as for qualified teachers). An appropriate unqualified teacher’s allowance will be paid where additional responsibilities merit this. Performance based progression has applied to unqualified teachers since September 2013.

An unqualified teacher who becomes qualified will be transferred to the main pay range for teachers. If on obtaining qualified status the teacher remains in the same school, the teacher will be paid a salary which is the same as or higher than their status as an unqualified teacher.

## 9. Upper Pay Scale & Leadership

The council will take decisions on Upper Pay Scale (UPS) and Leadership Spine progression according to the STPCD’s statutory provisions. There are no national criteria for appointment to these posts (except QTS) but successful candidates will be expected to have a sustained track record of successful performance as a teacher on the upper pay range, to demonstrate excellence in teaching and to have contributed to leading the improvement of teaching skills. The council will not adopt any additional criteria beyond the statutory and non-statutory guidance. The council will ensure that decisions on UPS and Leadership Spine progression are taken within the context of the council’s approach to pay policy.

Decisions on UPS and Leadership Spine progression will be taken by the Pay review committee for teachers on behalf of the council, following consideration of the recommendation of the performance management reviewer/ head teacher / assistant director.

The timetable for performance management reviews will be such as to allow the council to meet its obligation to complete pay assessments by 31 October or for the head teacher by 31 December.

The written statement to teachers following their annual pay assessments will set out the reasons for any decision in respect of UPS or Leadership Spine progression.

### 10. Deputy, Assistant Head teacher & Head teacher

**Deputy and Assistant Head teachers** will be paid within a five point range on the Leadership Pay Range.

**Head teachers** will be paid within a seven point Individual Salary Range (ISR) within the Leadership Pay Range.

### 11. Performance Pay Progression Main. Unqualified. Upper Pay ranges

The Council's performance management processes are intended to support teachers' professional development. Performance management objectives will be set in accordance with that intention.

Pay progression determinations will be annual for those on the main and unqualified Pay ranges, and upper pay range.

Decisions regarding pay progression within the relevant ranges will be made with reference to teachers' performance management statements and the pay recommendation they contain. In the case of newly qualified teachers, whose appraisal arrangements are different, pay decisions will be made by means of the statutory induction process.

The Council expects all teachers to perform at the highest possible level and to continue to improve their professional practice year on year. Performance management objectives will be progressive and developmental; thereby ensuring that good performance is rewarded and that good teachers have the opportunity over a number of years, to progress to the maximum of their respective pay range.

Decisions on performance pay progression will be based on an assessment of the overall performance of the teacher.

A teacher will be eligible for annual performance pay progression where they:

- 1) Have been assessed as meeting all of the teaching standards and/or where relevant, the national standards for SEN specialist teachers', throughout the assessment period;
- 2) Have been assessed as meeting the requirements of their job description/job role;
- 3) Meet their individual performance management objectives; Consideration will be given where factors beyond the teacher's control have impacted on their ability to meet objectives;
- 4) Have demonstrated a personal responsibility for identifying and meeting their CPD needs.

The evidence (as relevant to their role) which will be considered in assessing performance will include:-

- pupil progress data;
- quality of teaching against relevant Standards, including observed practice;
- self-assessment;
- professional dialogue;



- received feedback;
- performance management statements;
- CPD records.

Where a teacher has been absent for some or all of the assessment period, an assessment will be based on performance during any periods of attendance and/or prior performance.

Where the performance pay progression criteria in 11.0 are **not** met, the teacher will not receive any performance pay progression. A decision not to award performance pay progression may be made without recourse to capability procedures. However, teachers who fail to meet the minimum teaching standards and/or who consistently fail to improve their practice or to sustain the expected level of performance for their pay level, may be subject to these procedures.

Where a decision not to progress is made, the teacher will be supported through the performance management process to improve their performance.

Any qualified teacher on the main pay range may apply to be paid on the upper pay range once per year. It is the responsibility of the teacher to decide whether or not they wish to submit an application. Applications must be submitted by 31 October in each year (consideration will be given to accepting late applications where individual circumstances e.g. absence prevent this deadline being met).

An application will be successful, if the line manager is satisfied that:

- the teacher is highly competent in all elements of the general, and/or, where relevant, the specialist, teaching standards; and,
- The teacher's achievements and contribution to the service are substantial and sustained.

This means that the teacher has consistently:

- demonstrated that they meet all the relevant teaching/specialist standards, over a sustained period;
- been assessed as meeting their performance management objectives over a sustained period;
- Demonstrated that they have made an impact on the wider service over a sustained period. This may include:-
  - demonstrating an ability to coach, mentor, advise and demonstrate best practice to, other teachers to enable them to improve their practice;
  - contributing to service development planning which has improved service delivery;
  - where the teacher has consistently taken responsibility for identifying and meeting their own professional development needs and used their learning to improve their own practice;
  - where the teaching has been rated as good overall, with some outstanding, over a sustained period;
  - where the teacher has demonstrated over a sustained period an ability to support some pupils to exceed expected levels of progress/achievement

The line manager will assess all applications to be paid on the upper pay range and will use the evidence contained in the teachers' most recent performance management reviews to make their assessment. The assessment will be considered by the pay review committee for final authorisation.

A teacher may provide their performance management review statement(s) from their previous employment with their application and may, if they wish, provide additional evidence to support their application, but is not obliged to do so.

\*For the 2015 pay review teachers moving to M6 or already on M6 may be awarded an *exceptional* performance enhancement that would result in them receiving the rate defined as M6(E). This must be approved by the Pay Review Committee.

## 12. Performance Pay Progression - Leadership Pay ranges

The Corporate Director for People & Communities (CDPC) will determine the appropriate individual salary range for all posts on the leadership pay ranges in accordance with the School Teachers' Pay and Conditions Document. This authority can be delegated. Final authorisation of individual's salary grades will be considered by the teachers' pay review committee.

The Corporate Director for People & Communities (CDPC) or deputy, with the input of a specialist advisor will seek to agree performance objectives annually with the post holder(s) relating to leadership and management and pupil progress, and in default of agreement the CDPC will set such performance objectives.

Further progression on the leadership pay scale will be subject to the post holder demonstrating a sustained high quality of performance having regard to the most recent performance management review. Determination on progression on the leadership scale will be made in accordance with the arrangements outlined in Appendix A of this Policy. To achieve progression on the leadership pay scale, the STPCD requires individuals to have demonstrated sustained high quality performance. In making judgements against this criterion and in determining whether there should be progression the reviewer will consider whether the individual has grown professionally by developing their leadership; and (where relevant), teaching expertise.

In considering whether there has been professional growth, the assistant director, with appropriate professional advice as required, will consider whether the following description of a person on the leadership scale has been met:-

- Those on the leadership spine play a critical role in the life of the service.
- They inspire those around them and work with others to create a shared strategic vision which motivates pupils and staff.
- They take a lead in enhancing standards of teaching and learning, and value enthusiasm and innovation in others
- They have confidence and ability to make management and organisational decisions and ensure equity, access and entitlement to learning.

To achieve progression (and for the above to be satisfied), there will need to have been a successful performance management review.

A successful performance management review involves a process of:-

- a. Performance Management objectives;
- b. Performance against the teaching standards including observed practice;
- c. Other evidence.

## 13. Other allowances

### RECRUITMENT AND RETENTION PAYMENTS

The council reserves the right to make recruitment and retention payments to teachers where it deems such payments to be necessary in response to local recruitment and retention difficulties. Any use of such payments will be in accordance with the council's Market Supplement Policy and applied on a non-discriminatory basis.

### ACTING ALLOWANCES

Where classroom teachers are required to act as head teacher, deputy head teacher or assistant head teacher for a period in excess of four weeks, they will receive additional allowances in order that their pay is equal to that of the substantive post holder.

Payment of acting allowances will be backdated to the day the teachers assumed those duties. No pressure, direct or indirect, will be placed on teachers to act up, acting up is voluntary on their part.

### CPD, OUT-OF-SCHOOL HOURS LEARNING & ITT ACTIVITY

The council will make payments to all teachers, including leadership group teachers, in respect of time spent undertaking continuing professional development (CPD) outside the school day, out-of-school-hours learning activities and initial teacher training (ITT) activities.

These payments will be at a daily or hourly rate calculated with reference to each teacher's actual pay spine position or, where appropriate and following consideration by the head teacher, at a higher level reflecting the responsibility and size of commitment.

The council recognises that these activities are entirely voluntary in nature and that some teachers' commitments will make it difficult for them to undertake such activities. The council will not in any way seek to curtail the freedom of teachers to choose whether or not to be involved in the delivery of such activities. Where teachers cannot attend CPD organised outside the school day, the school will endeavour to offer suitable alternative training arrangements within directed time in line with its commitment to equal opportunities.

### SPECIAL EDUCATIONAL NEEDS ALLOWANCE

There is one special needs allowance consisting of a minimum and maximum amount which may be paid to teachers on the main and upper pay ranges in accordance with the STPCD 2015.

## 14. Teaching & Learning Responsibility (TLR) Payments

The council will allocate TLR payments to classroom teachers who occupy posts of additional responsibility in accordance with the statutory provisions of the STPCD and the provisions of the organisational structure. The structure will identify those posts to which TLR payments are attached and the levels and values of those payments. The following framework will be used:-

TLR2a	£2,613	TLR1a	£7,546
TLR2b	£4,316	TLR1b	£9,754
TLR2c	£6,386	TLR1c	£12,770

A third fixed-term TLR (TLR3) may be awarded to a teacher for clearly defined time limited improvement projects. The annual value of an individual TLR3 must be no less than £517

and no greater than £2,577. A teacher in receipt of a TLR1 or TLR2 can be awarded a concurrent TLR3.

These values are effective from 1 September 2015 and will be increased in future as required by the STPCD.

The council recognises that TLR payments may only be allocated on a temporary basis where teachers' are undertaking on a temporary basis the responsibilities of posts to which TLR payments are attached.

The council will ensure that decisions on the allocation of TLR payments, as with other allowances, are made in the context of the council's approach to the principles of equal pay.

## **15. Safeguarding**

The council will ensure appropriate salary protection/safeguarding for teachers in accordance with the STPD.

Employees in receipt of safeguarding will be expected to undertake commensurate work.

## **16. Budget**

The amount of money allocated to implementing the Pay Policy will be determined at the beginning of each financial year through the budget allocation process of the service. The council will endeavour to ensure that appropriate funding is allocated for performance pay progression at all levels.

## **17. Equalities**

The Council recognises the principle of equal pay for work of equal value in the implementation of this policy. The Council will take into account the salaries payable in comparable establishments where possible in setting pay levels.

All pay related decisions will be taken in accordance with relevant equalities legislation including: Employment Relations Act, Part-time Workers and Fixed-term Employee Regulations. Appropriate consideration will be given where staff have been absent for long periods e.g. due to sickness or maternity leave.

## **18. Review**

The Council will monitor the outcome and impact of this policy annually to assess its effect and continued compliance with equalities legislation. The effect of the policy will be assessed particularly with reference to trends in progression across specific groups of teachers and the correlation between this and performance management reviews and outcomes for pupils.

The pay of individual staff will remain confidential – shared only with those responsible for making pay decisions and managing administrative matters.

## **19. Performance Review Outcomes**

Pay recommendations will be contained within Performance Management Review Statements and these will be discussed with employees at the review meeting. Where an employee has concerns about the pay recommendation they should include these on the review statement.

A teacher may lodge an appeal if they take the view that the council:

- incorrectly applied the provisions of the STPCD / national / local terms and conditions
- failed to have proper regard for statutory guidance;
- failed to take proper account of relevant evidence and/or took account of irrelevant or inaccurate evidence;
- were biased; or otherwise unlawfully discriminated against the employee

All appeals should be considered by the teachers' pay review committee.

## Appendix A

**PAY STRUCTURE FOR QUALIFIED TEACHERS 1/9/2015 – 31/8/2016**

Set out below are teachers' pay scales from 1 September. The council intends to maintain and implement the pay scales as applicable.

**England & Wales Only 1 September 2015****1. Main Pay Range**

	<b>£ p.a.</b>
Minimum M1	22,244
M2	24,002
M3	25,932
M4	27,927
M5	30,128
Maximum M6	32,509
(Excellent M6E)	32,831

**2. Upper Pay Range**

	<b>£ p.a.</b>
Minimum U1	35,218
U2	36,523
Maximum	37,871

**3. Leading Practitioners Pay Range**

	<b>£ p.a.</b>
Minimum	38,598
Maximum	58,677

(Reference points may be as per Head Teacher ranges)

**4. Unqualified Teachers****Discretionary reference points**

	<b>£ p.a.</b>
Minimum	16,298
	18,194
	20,088
	21,984
	23,881
Maximum	25,776

**5. Leadership Minimum Pay Ranges - Head teachers**

<b>Group</b>	<b>£ p.a.</b>
1	43,665 – 58,096
2	45,876 – 62,521
3	49,481 – 67,290
4	53,180 – 72,419
5	58,677 – 79,872
6	63,147 – 88,102
7	67,963 – 97,128
8	74,958 – 107,210

### Leadership Pay ranges broken down by point and group – Head teachers

Amount £ p.a. 2014	Point	Amount £ p.a. 2015	Group One	Group Two	Group Three	Group Four	Group Five	Group Six	Group Seven	Group Eight
38,215.00	1	38,598.00								
39,172.00	2	39,564.00								
40,150.00	3	40,552.00								
41,150.00	4	41,562.00								
42,175.00	5	42,597.00								
43,232.00	6	43,665.00	43,665.00							
44,397.00	7	44,841.00	44,841.00							
45,421.00	8	45,876.00	45,876.00	45,876.00						
46,555.00	9	47,021.00	47,021.00	47,021.00						
47,750.00	10	48,228.00	48,228.00	48,228.00						
48,991.00	11	49,481.00	49,481.00	49,481.00	49,481.00					
50,118.00	12	50,620.00	50,620.00	50,620.00	50,620.00					
51,372.00	13	51,886.00	51,886.00	51,886.00	51,886.00					
52,653.00	14	53,180.00	53,180.00	53,180.00	53,180.00	53,180.00				
53,963.00	15	54,503.00	54,503.00	54,503.00	54,503.00	54,503.00				
55,397.00	16	55,951.00	55,951.00	55,951.00	55,951.00	55,951.00				
56,670.00	17	57,237.00	57,237.00	57,237.00	57,237.00	57,237.00				
58,096.00	18	58096/58677	58,096.00	58,677.00	58,677.00	58,677.00	58,677.00			
59,535.00	19	60,131.00		60,131.00	60,131.00	60,131.00	60,131.00			
61,012.00	20	61,623.00		61,623.00	61,623.00	61,623.00	61,623.00			
62,521.00	21	62521/63147		62,521.00	63,147.00	63,147.00	63,147.00	63,147.00		
64,074.00	22	64,715.00			64,715.00	64,715.00	64,715.00	64,715.00		
65,661.00	23	66,318.00			66,318.00	66,318.00	66,318.00	66,318.00		
67,290.00	24	67290/67963			67,290.00	67,963.00	67,963.00	67,963.00	67,963.00	
68,962.00	25	69,652.00				69,652.00	69,652.00	69,652.00	69,652.00	
70,668.00	26	71,375.00				71,375.00	71,375.00	71,375.00	71,375.00	

72,419.00	27	72,419.00				72,419.00	72,419.00	72,419.00	72,419.00	
74,215.00	28	74,958.00					74,958.00	74,958.00	74,958.00	74,958.00
76,053.00	29	76,814.00					76,814.00	76,814.00	76,814.00	76,814.00
77,946.00	30	78,726.00					78,726.00	78,726.00	78,726.00	78,726.00
79,872.00	31	79,872.00					79,872.00	79,872.00	79,872.00	79,872.00
81,857.00	32	82,676.00						82,676.00	82,676.00	82,676.00
83,892.00	33	84,731.00						84,731.00	84,731.00	84,731.00
85,965.00	34	86,825.00						86,825.00	86,825.00	86,825.00
88,102.00	35	88,102.00						88,102.00	88,102.00	88,102.00
90,284.00	36	91,187.00							91,187.00	91,187.00
92,528.00	37	93,454.00							93,454.00	93,454.00
94,817.00	38	95,766.00							95,766.00	95,766.00
97,128.00	39	97,128.00							97,128.00	97,128.00
99,552.00	40	100,548.00								100,548.00
102,039.00	41	103,060.00								103,060.00
104,596.00	42	105,642.00								105,642.00
107,210.00	43	107,210.00								107,210.00

Notes

Point 18 = Top point of Group One & Bottom point of Group Five

Point 21 = Top point of Group Six & Bottom point of Group Two

Point 24 = Top point of Group Seven & Top point of Group Three



## 5. Additional Payments & Allowances

### Teaching and Learning Responsibility Payment

TLR2a	£2,613	TLR1a	£7,546
<i>TLR2b</i>	<i>£4,316</i>	<i>TLR1b</i>	<i>£9,754</i>
TLR2c	£6,386	TLR1c	£12,770

A third fixed-term TLR (TLR3) may be awarded to a teacher for clearly defined time limited improvement projects. The annual value of an individual TLR3 must be no less than £517 and no greater than £2,577. A teacher in receipt of a TLR1 or TLR2 can be awarded a concurrent TLR3.

### Special Educational Needs (SEN) Allowance

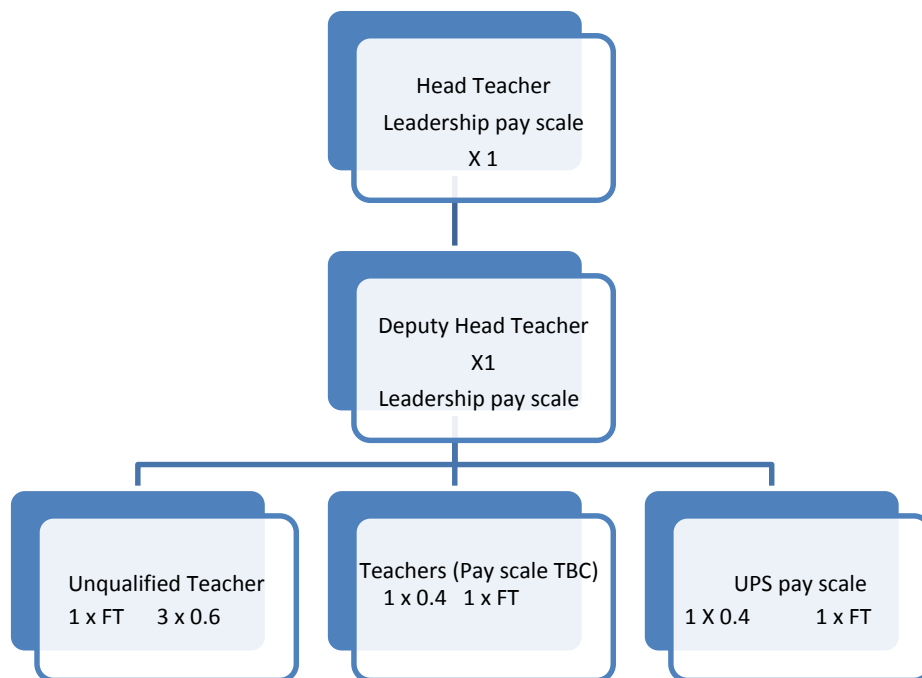
	£
SEN Range	
Minimum	2,064
Maximum	4,075

(Rates in italics are not mandatory)

**Organisational Structure**

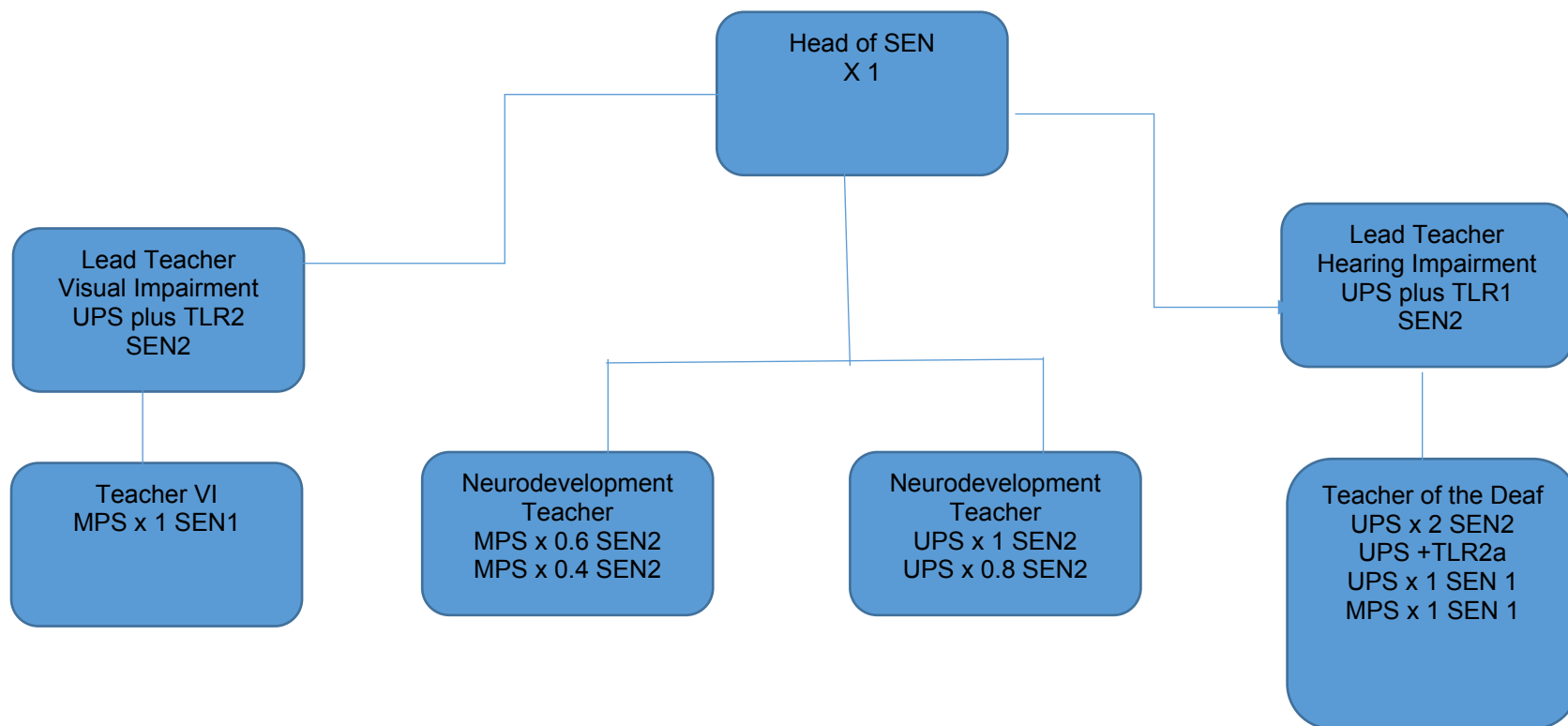
**Clare Lodge**

**Appendix B**

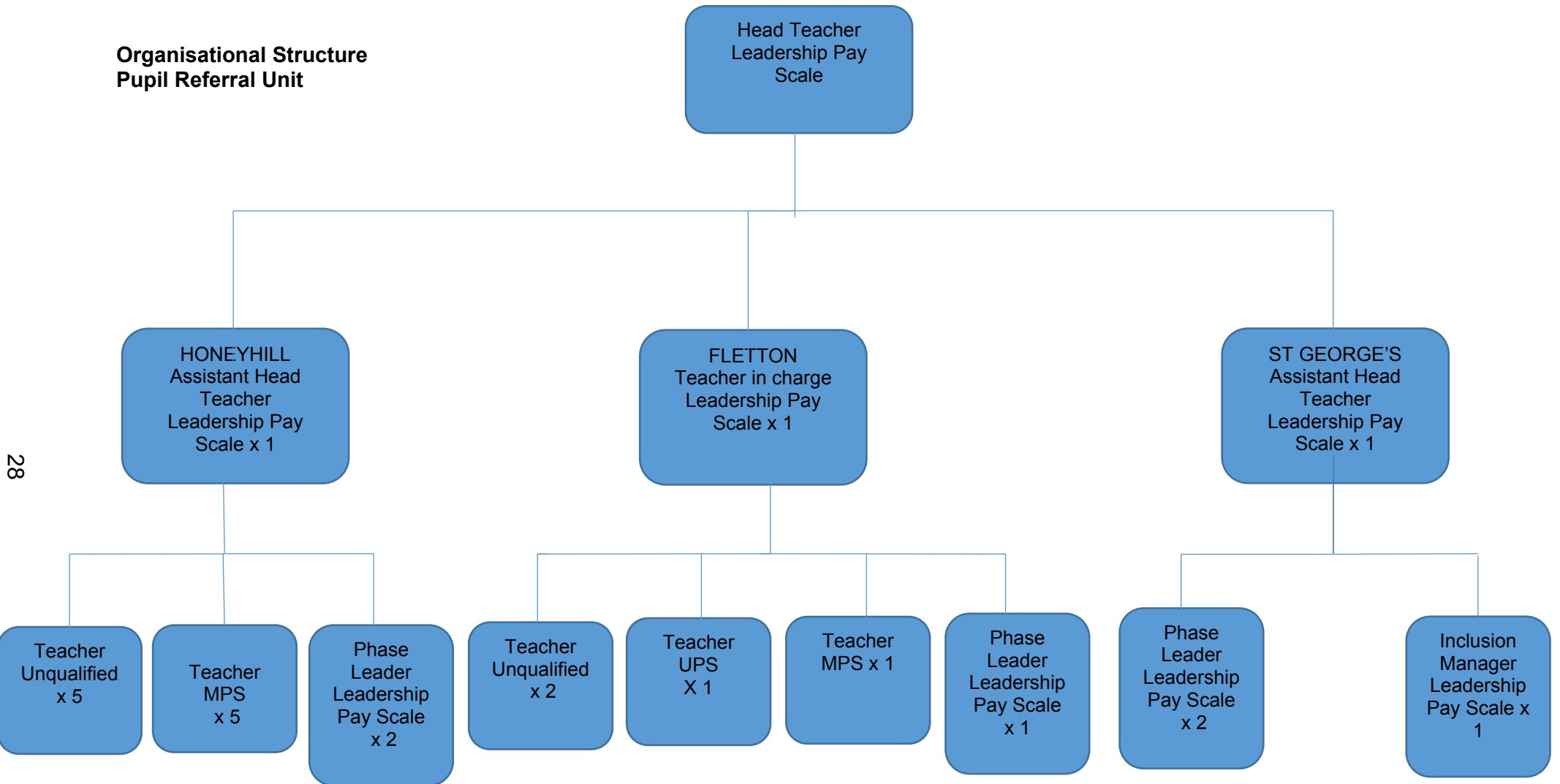


**Organisational Structure  
Access & Inclusion Neurodevelopment**

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**Organisational Structure  
Pupil Referral Unit**



**PAY REVIEW COMMITTEE****APPENDIX C**

The Pay Review Committee will comprise of:

Service Director – Education, Specialist Advisor (normally Head of Service School Improvement), HR Manager (or representative).

In cases of pay progression for head teachers a member of a board of governors from an external school may be seconded to the panel.

**Establishment of the Policy**

The Pay Review Committee is responsible for reviewing the pay policy, in consultation with trade union representatives that make up ECNF, and for submitting it to the JCF.

**Monitoring and Review of the Policy**

The Pay Review Committee is responsible for:

- considering an annual report, including statistical information regarding decisions taken in accordance with the terms of the policy;
- Reviewing the pay policy, in consultation with trade union representatives that make up ECNF and for submitting it to the JCF.

**Application of the Policy**

The Service Director is responsible for:

- ensuring that pay recommendations for head teacher posts are made and submitted to the Pay Committee in accordance with the terms of the policy;
- advising the Pay Committee on its decisions; and
- ensuring that head teachers are informed of the outcome of decisions of the Pay Review Committee and of the right of appeal.

The Head Teacher is responsible for:

- ensuring that pay recommendations for the deputy and assistant head teacher(s) and classroom teachers are made and submitted to the Pay Review Committee in accordance with the terms of the policy;
- advising the Pay Review Committee on its decisions; and
- ensuring that teachers are informed of the outcome of decisions of the Pay Review Committee and of the right of appeal.

The Pay Review Committee is responsible for:

- taking decisions regarding the pay of deputy and assistant head teacher(s) and classroom teachers following consideration of the recommendations of the head teacher and pay reviewers;
- taking decisions regarding the pay of the head teacher following consideration of the recommendations of the assistant director responsible for the head teacher's performance review;
- submitting reports of these decisions to the Executive Director; and
- Ensuring that the head teacher is informed of the outcome of the decision of the Pay Review Committee and of the right of appeal.

The Appeals Committee of the Pay Review Committee is responsible for:

- taking decisions on appeals against the decisions of the Pay Review Committee in accordance with the terms of the appeals procedure applicable to the policy.

**PAY APPEALS PROCEDURE****APPENDIX D**

The arrangements for considering appeals are as follows:

Teachers may appeal against any decision in relation to their pay, or any other decision taken by the Pay Review Committee that affects their pay. The teacher may appeal if they take the view that:-

- a) there was incorrect application of any provision of the STPCD;
- b) proper regard for statutory guidance was not upheld;
- c) relevant evidence was not considered;
- d) irrelevant or inaccurate evidence was considered;
- e) the process was biased; or
- f) there was unlawful discrimination against the teacher.

The process is as follows:-

1. The teacher receives written confirmation of the pay decision and where applicable the basis on which the decision was made.
2. If the teacher is not satisfied, he/she should seek to resolve this informally by discussing the matter initially with the decision-maker within ten working days of the decision.
3. Where this is not possible, or where the teacher continues to be dissatisfied, he/she may commence a formal appeal process.
4. The teacher should set down in writing the grounds for questioning the pay decision. The basis of the appeal should fall within one of the criteria above. The appeal should then be sent to the person (or committee) who made the decision either
  - Within ten working days of receipt of the decision
  - Or
  - Within ten working days of the end of the informal appeal decision
5. The committee or person who made the decision should organise a hearing within ten working days of the appeal letter being received. This will allow the teacher the opportunity to make representations in person. Following the hearing the employee should be informed in writing of the outcome and the right to appeal within five working days.
6. If the teacher appeals then the appeals panel will consist of:-
  - An Assistant Director not involved in the original decision
  - A member of an external board of governors, or a senior manager
  - An HR Manager or their representative

The appeal committee will normally meet with the appellant within 20 working days of the receipt of the written appeal notification and give the teacher the opportunity to make representations in person. The decision of the appeal panel will be given in writing, and where the appeal is rejected will include a note of the evidence considered and the reasons for the decision. The decision is final and there is no recourse to the staff grievance procedure.

## Appraisal Policy Teachers

These guidelines are to provide helpful information to assist the appraisal of teachers and are not intended to amount to legal advice.

### 1.0 Introduction

This policy applies to centrally employed teachers and head teachers. It sets out the framework for a clear and consistent assessment of the overall performance of employees covered by teacher's terms and conditions of employment. It does not cover those on contracts of less than one term, or those undergoing induction.

The appraisal process is designed to be a supportive and developmental process to ensure that all employees have the skills and support they need to carry out their role effectively. It will help to ensure that all employees are able to continue to improve their professional/employment practice and to develop in their respective roles. The grievance policy and appeals policy would apply where the teacher was not satisfied with the application of this policy.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

### 2.0 Review period

**The appraisal period will run for twelve months** from 1 September 2015 to 31 August 2016. This policy will be reviewed in September 2016.

Employees who are employed on a fixed term contract of less than one year will have their performance managed in accordance with the principles underpinning this policy. **The length of the review period will be determined by the duration of their contract.**

### 3.0 Appraisal principles

#### 3.1 Appraiser

**Head teachers will be appraised by the Assistant Director or Head of Service supported by a suitably skilled and/or experienced adviser who has been appointed for that purpose.** All other teachers will be appraised by their head teacher or line manager.

#### 3.2 Objective setting

**Head teacher's objectives will be set by the Assistant Director or Head of Service after consultation with the external adviser.**

**Objectives for each employee covered by the policy will be set before, or as soon as practicable after, the start of each appraisal period.** The objectives set will be Specific, Measurable, Achievable, Realistic and Time-bound and will be appropriate to the employee's role and level of experience. The appraiser and employee will seek to agree the objectives but, if that is not possible, the appraiser will determine the objectives. Objectives may be revised if circumstances change.

**The objectives set for each employee will, if achieved, contribute to the local authority's plans for improving school's educational provision and performance and improving the educational opportunities of pupils.**

### 3.3 Appraisal Standards

**Before, or as soon as practicable after, the start of each appraisal period, a teacher will be informed of the standards against which that teacher's performance in that appraisal period will be assessed.** Each teacher will be assessed against the set of standards contained in the document "Teachers' Standards" published in July 2011 and any subsequent amendment thereof or any other document relevant to them.

### 3.4 Class Room Observation

The local authority believes that observation of classroom practice and other responsibilities is important both as a way of assessing performance in order to identify any particular strengths and areas for development they may have and of gaining useful information which can inform school improvement more generally. Any observation will be carried out supportively. The amount of classroom observation will depend on individual circumstances. Classroom observation of teachers will be carried out by managers who are qualified teachers.

Employees who have responsibilities outside the classroom should also expect to have their performance of those responsibilities observed and assessed.

In addition to formal observation, the head teacher or other managers with responsibility for teaching standards may "drop in" in order to evaluate the standards of teaching and to check that high standards of professional performance are established and maintained. The length and frequency of "drop in" observations will vary depending on specific circumstances.

Employees will receive constructive feedback on their performance throughout the year and as soon as practicable after an observation has taken place or other evidence has come to light. Feedback will highlight particular areas of strength as well as any areas that need attention.

### 4.0 Formal Assessment

**The performance of each employee covered by the appraisal policy will be formally assessed in respect of each appraisal period.**

**In assessing the performance of the Head Teacher, the Assistant Director or Head of Service must consult the external adviser.**

This assessment is the end point to the annual appraisal process, but performance and development priorities will be reviewed and addressed on a regular basis throughout the year in interim meetings which will take place at least once a term.

**The employee will receive as soon as practicable following the end of each appraisal period, and have the opportunity to comment in writing on a written appraisal report.**

Teachers will receive their written appraisal reports by 31 October (31 December for the head teacher). The appraisal report will include:

- details of the employee's objectives for the appraisal period in question;
- **an assessment of the employee's performance of their role and responsibilities against their objectives and, for teachers, against the relevant teacher standards;**
- **an assessment of the employee's training and development needs and identification of any action that should be taken to address them.** The assessment of performance and of training and development needs will inform the planning process for the following appraisal period.



- **a recommendation on pay where that is relevant.** Pay recommendations will be made by 31 December for head teachers, by 31 October for other teachers back dated to 1 September.

### 5.0 Requirement to improve

Where there are concerns about any aspects of the employee's performance the appraiser will meet with the employee to:

- Provide clear information and evidence about the areas of concern;
- Allow the employee the opportunity to comment and discuss the concerns and establish the likely causes of poor performance and identify any training needs/support needed (e.g. coaching, monitoring, structured observation) ;
- Clarify the required standards and agree any support (e.g. coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- Outline how and when the appraiser will review progress
- Revise objectives if appropriate
- Explain the implications and process if improvement is not made
- Record the outcomes and pass a copy of the appraisal record to the employee

Any subsequent meetings should also follow this process. The appraiser will record their concerns, the support given and the decision following the review. A copy of this appraisal record will be given to the employee. If required, this will inform any decision on transition to the capability procedure.

### 6.0 Unsatisfactory progress

If the appraiser, is not satisfied with progress, the employee will be notified in writing that the appraisal system will no longer apply and that his/her performance will be managed under the capability procedure.

### 7.0 When this policy will not apply

In serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

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## Capability Procedure Teachers

These guidelines are to provide helpful information to assist the assessment of teacher's performance and are not intended to amount to legal advice.

### 1.0 Introduction

This procedure applies to centrally employed teachers and head teachers. It will be invoked where there are serious concerns about the employee's performance that the appraisal process has been unable to address.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. We may also vary any parts of this procedure, including any time limits, as appropriate in any case.

### 2.0 Review period

This policy will be reviewed in September 2016.

### 3.0 Capability Process

#### 3.1 Before the meeting

When the line manager decides that the concerns highlighted in the appraisal have not been addressed and there is no improvement then the employee will be invited to a formal capability meeting to discuss the identified poor performance as specifically as possible.

The line manager will write to the employee at least 5 working days in advance of the meeting to confirm:

- a) the date, time and place of the meeting.
- b) sufficient details of the concerns about the employee's performance and the possible consequences to enable the teacher to prepare to answer the case
- c) the employee's right to be accompanied by a companion who may be a colleague, a trade union official or a trade union representative who has been certified by their union as being competent.
- d) the titles of any documents to be used at the meeting. Copies must be enclosed.
- e) the names of any witnesses to be called
- f) that they have the right to call witnesses on their behalf.
- g) the name and position of any advisor who will accompany the senior manager at the meeting.

An extra copy, together with any enclosures, will be provided for the employee's companion.

#### 3.2 At the meeting

The meeting is intended to establish the facts. It will be conducted by a senior manager delegated by the head teacher (or the assistant director / head of service for head teacher). The meeting will allow the employee to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.

The senior manager may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In such cases, the capability procedure will come to an end.

The senior manager may also adjourn the meeting if it is decided that further investigation is needed, or that more time is needed in which to consider any additional information. In other cases, the meeting will continue.

During the meeting, or any other meeting which could lead to a formal warning being issued, the senior manager will:

- In the case of a teacher, identify the poor performance, including which of the standards expected of the teacher is not being met;
- Ensure the employee is given an opportunity to ask questions, present evidence, call witnesses, respond to evidence and make representations;
- Establish the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
- Give clear guidance on the improved standard of performance needed to ensure that the employee can be removed from formal capability procedures which may include the setting of new objectives focused on the specific area/s of poor performance that need to be addressed. It will include any success criteria that are appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made;
- Identify whether there are further measures which may improve performance and explain any support that will be considered and planned to help the employee, e.g. in-service training, visits to other schools, discussion with appropriate colleagues or professionals;
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The review period should ideally be for no more than 8 weeks. In serious cases this procedure can be shortened to 4 weeks where the education, health or wellbeing of children is in jeopardy
- The timetable will depend on the circumstances of the individual case but will be reasonable and proportionate, between four and eight weeks in normal circumstances, and will provide sufficient opportunity for improvement to take place. The length of time required will depend on the concerns raised with the employee, the nature of any support and training required, and sufficient time to establish whether performance has improved;
- Warn the employee formally that failure to improve within the set period could lead to a final written warning which could then lead to his/her dismissal. In very serious cases this warning may be the final warning.
- Inform the employee of the right of appeal
- Agree with the employee and any companion the date of the formal review meeting

Notes will be taken of formal meetings and a copy sent to the employee and any companion. Where a first warning is issued, the employee will be informed in writing of the matters discussed. The letter will also state that failure to achieve an acceptable standard of performance (within the set timescale), may result in a final written warning which could then lead to dismissal if wholly satisfactory performance is not achieved. The letter will set the time limit for appealing against the first written warning.

If the concerns relate to a lack of capability that poses a risk to the health, safety or well-being of children, or is likely to result in serious damage to pupils' education, the senior manager may exceptionally decide to issue a first and final written warning.

#### 4.0 Sickness absence

It is important that sickness absence should not delay or avoid the use of formal capability procedures. It is in the interests of all parties to address concerns about performance without undue delay. Arrangements will normally be made to seek medical advice from an occupational health adviser to assess the employee's health and fitness for continued employment.

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. The council may also consider making adjustments to this procedure in appropriate cases e.g. moving from this procedure to the Attendance Policy.

If an employee's medical condition is not serious enough to warrant a consideration of termination of employment on the grounds of ill health, the occupational health adviser will normally be asked to assess whether an employee absent through sickness is fit enough to attend a meeting under this procedure. In the event that the employee is deemed not fit to attend a formal capability meeting then they may present a written submission for consideration and/or be represented by a companion in their absence.

#### 5.0 Formal Review meeting

A performance monitoring and review period will follow the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period. Following this monitoring and review period, the employee will either:-

- be invited to a formal review meeting,
- or be invited to a decision meeting (see paragraph 7 below). This will apply if they had been issued with a final written warning at the capability meeting.

At least 5 working days' notice will be given for a formal review meeting. The letter will provide the time and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a colleague, a trade union official or a trade union representative who has been certified by their union as being competent.

The formal review meeting will follow a similar procedure to that identified for the formal capability meeting as set out in paragraph 3.2 above.

If the senior manager (or assistant director for the head teacher) is satisfied that the employee has made sufficient improvement, the formal capability procedure will cease and the appraisal process will re-start.

In cases:

- where some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period;
- where no, or insufficient improvement has been made during the monitoring and review period, the employee will receive a final written warning.

Notes will be taken at the formal review meeting and a copy will be sent to the employee and any companion.

Where a final warning is issued, the employee will be informed in writing that failure to achieve an acceptable standard of performance (within the set timescale of no more than 4 weeks), may result in dismissal. They will be given information about the further monitoring and review period and the procedure and time limits for appealing against the final written warning. The date for the decision meeting will be agreed with the employee and any companion.

At this stage, rather than refer the matter to a decision meeting, consideration could be given to the employee being given a different range of duties or an alternative post. By agreement, this may

include transfer to a post suited to the employee's capabilities. If this post is at a lower salary level, the substantive lower salary would apply.

## 6.0 Appeal against decision taken at Formal Review meeting

If an employee feels that a decision to issue a first and/or final written warning, is wrong or unjust, s/he may appeal in writing against the decision

Appeals against a written warning shall be restricted to considering the reasonableness of the decision made by the senior manager, any relevant new evidence not previously available to the senior manager or any procedural irregularities. A statement giving the reasons for the appeal should be submitted to the senior manager within two weeks of the formal written warning having been received.

All appeal hearings will be held as soon as possible after receipt of the appeal at an agreed time and place.

The appeal will be heard by an alternative senior manager in accordance with the council's [Appeal Policy](#) and [Appeals Procedure](#). The employee will be informed in writing of the results of the appeal hearing as soon as possible.

The same arrangements for notification and the right to be accompanied by a companion will apply for an appeal hearing as for the formal capability and review meetings and, as with those meetings, notes will be taken and a copy sent to the employee and any companion.

Pending any appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and his/her progress towards the achievement of these targets may be monitored during this period.

## 7.0 Decision meeting

At least 5 days before the date of the decision meeting a letter will be given in writing together with details of the meeting as in paragraph 3.1 above. The meeting will normally be chaired by a head of service from within the department of the employee concerned who has not taken part in the review process. Where these officers have been involved with the review or are otherwise not available, then a director, assistant director or head of service from another department may be asked to conduct the meeting. An HR business partner will be present to advise the chair.

If an acceptable standard of performance has been achieved during the further monitoring and review period, the capability procedure will end and the appraisal process will re-start.

If progress has been made and there is confidence that wholly satisfactory performance will be achieved by a short extension, it may be appropriate to extend the monitoring and review period rather than to dismiss. The final written warning will be extended for a short specified assessment period.

If performance has remained unsatisfactory, a decision will be made that the employee should be dismissed. The employee will be informed in writing as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice, and the right of appeal.

## 8.0 Right of Appeal against decision to dismiss

The employee has a right of appeal against dismissal. The procedure to follow is detailed in the council's Appeal Policy and Procedure. A statement giving the reasons for the appeal should be submitted to the senior manager within two weeks of the dismissal letter being received.

## **9.0 Grievances arising during the procedure**

Where an employee has a grievance against the way the senior manager has conducted the procedure this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the senior manager is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered

## **10.0 Trade Union Officials**

Although normal performance standards must apply to an employee who is a lay trade union official, no disciplinary action, beyond an informal oral warning will be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

## **11.0 Recording**

The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. Failure to observe confidentiality could be a reason for disciplinary action being taken.

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<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 5
<b>17 SEPTEMBER 2015</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Kim Sawyer: Director of Governance	Tel. 452361
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**SHARED CHIEF EXECUTIVE ARRANGEMENTS BETWEEN PETERBOROUGH CITY COUNCIL AND CAMBRIDGESHIRE COUNTY COUNCIL**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Director of Governance	<b>Deadline date :</b> N.A.
<p>Regarding the proposals for the temporary shared Chief Executive between Peterborough City and Cambridgeshire County Councils, the Employment Committee is requested to:</p> <ul style="list-style-type: none"> <li>i) Note the proposal made by Cambridgeshire County Council, and</li> <li>ii) Subject to endorsing the proposal, recommend to Council that it approves the shared arrangements and enter into an agreement with Cambridgeshire County Council for a shared Chief Executive.</li> </ul>	

**1. ORIGIN OF REPORT**

1.1 This report follows an approach made by Cambridgeshire County Council to Peterborough City Council of exploring the possibility of a shared Chief Executive arrangement following the resignation of the Chief Executive at Cambridgeshire County Council.

**2. PURPOSE AND REASON FOR REPORT**

2.1 This report sets out the considerations of the exploratory discussions and proposes that Employment Committee recommend the proposal to full Council.

2.2 This report is for the Committee to consider under its Terms of Reference No 2.3.1.1 "To appoint Directors and Heads of Service, and determine terms and conditions of employment."

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
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**4. BACKGROUND**

4.1 The Leader of Cambridgeshire County Council approached the Leader of Peterborough City Council to explore the possibility of having a temporary shared Chief Executive arrangement. The approach arose out of the resignation of the Chief Executive of Cambridgeshire County Council to take up a new role as the Chief Executive of the Local Government Association. The proposal is that such an arrangement would be put in place for an initial period of up to 12 months with a review after 6 months. There would also be an option to terminate the arrangement by one months' notice on either side.

4.2 Group Leaders and Cabinet were briefed on the initial proposal at the beginning of August and it was agreed to explore the arrangement further particularly focussing on how the arrangement might work, the potential benefits of the arrangements and the timetable and

process which would need to be followed. This report addresses those issues to enable further decisions to be made. This is a major decision for both Councils and can only work with the support of both Councils.

4.3 On 27 August the County Council's Staffing & Appeals Committee (their equivalent of our Employment Committee) gave its support to the arrangement but clearly on the understanding that this Council must be supportive of the arrangement determined through its own governance processes.

4.4 Consultation has taken place with Cabinet Policy Forum as well as with Group Leaders on 1 and 2 September and they have provided their broad support to the proposal.

## **5. POLITICAL SOVEREIGNTY**

5.1 At the heart of this arrangement is the maintenance of political sovereignty for each Council ensuring that each Council can deliver its own political priorities, strategy and policies. The shared arrangements below supports the sovereignty of each Council and at the same time enables the benefits of the arrangement to be realised across both Councils.

## **6. POTENTIAL BENEFITS**

The following benefits could be realised with a joint arrangement:

6.1 Financially there would be a saving to Peterborough City Council's budget of £110k per annum. This would represent a 50/50 split of the Chief Executive's current salary and on-costs.

6.2 Greater opportunities for joint commissioning of services – the Chief Executive will be involved in the policy and strategy formulation of both Councils and therefore will be able to factor in any opportunities for joint commissioning of services at the earliest possible stage. Any proposals will be subject to appropriate approval within this Council. A shared Chief Executive also widens the scope for joint commissioning for growth related services to support the skills agenda in both Cambridgeshire and Peterborough, for adult social care and for children's services.

6.3 Sharing Best Practice & Services – as a result of being the Chief Executive of both Councils there will be a greater overview of 'what works' in each council. In particular where one Council may have had success in an area where the other is looking to improve. This will facilitate the open and rapid sharing of best practice across both Councils. Having a shared Chief Executive could also benefit both Councils when exploring wider opportunities for economies of scale through shared services and strategic partnerships.

6.4 Economic Development and Regeneration – Cambridge and Peterborough are two of the five fastest growing cities in the UK. A shared Chief Executive will facilitate a stronger voice with central government for both Councils. The arrangement will further strengthen Peterborough's relationship with the Cambridgeshire Local Enterprise Partnership (LEP) thus helping greater coordination of infrastructure investment across Peterborough and Cambridgeshire. Parts of Cambridgeshire (such as Wisbech and March) fall within the economic footprint of Peterborough (for example people commute to work in Peterborough from these towns). A shared Chief Executive arrangement will help further join up economic development across the footprint benefitting both Peterborough's and Cambridgeshire's economies.

6.5 Devolution – the arrangements could enhance a better understanding of how both Councils could benefit from the devolution of powers from Government under new legislative arrangements.

6.6 Transportation – both Councils have their own transport infrastructure plans. Whilst this is unlikely to change, the appointment of a shared Chief Executive does bring about a greater opportunity for both plans being more closely aligned.

6.7 Public health – The City Council and the County Council currently share a Director of Public Health. This has already proved beneficial as, inevitably, the health of the population crosses over between Peterborough and Cambridgeshire and can therefore be supported and improved on a much wider scale.

6.8 Customer Experience – The arrangement would also facilitate working between both Councils which could also enable consideration in relation to the customer front-door and digital services, delivering tangible benefits both financial and in terms of value for residents.

## **7. THE ARRANGEMENT FOR PETERBOROUGH AND CAMBRIDGESHIRE COUNTY COUNCIL**

7.1 The Chief Executive would retain her statutory appointments under the constitution such as Head of Paid Service, Returning Officer etc. and would continue to undertake the following responsibilities within Peterborough City Council:

- Council and Cabinet
- Leader and Deputy Leader meetings
- Cabinet Policy Forum
- Group Leader meetings
- Civic/Community events and support
- Corporate Management Team
- Employment Committee/Trade Unions/Joint Consultative Forum
- Alternative Governance Arrangements
- MP briefings
- Emergency Planning
- Health and Safety responsibilities
- Scrutiny Committee meetings as and when necessary

7.2 The following would be jointly delivered across both Councils by the Chief Executive:

- Local Enterprise Partnership
- East England Local Government Association
- Cambridgeshire Public Service Board
- Leaders and Chief Executive meetings with Cambridgeshire County Council, District Councils and Peterborough City Council
- Clinical Commissioning Group
- Police
- Fire

7.3 In relation to Cambridgeshire County Council the Chief Executive will assume Head of Paid Service responsibilities and would attend Full Council, General Purposes Committee and Group Leader meetings at Cambridgeshire (they do not have a Cabinet). She would also wish to assume the role of Returning Officer in the event of any Elections within the County Council. This would be the subject of separate arrangements between the County Council and the Chief Executive. It should be noted that the County Council does not have scheduled Elections until 2017.

## **8. PRACTICAL ARRANGEMENTS**

8.1 Support - To enable the shared arrangements to work effectively for Peterborough City Council the following working and support arrangements will be put in place:

8.1.1 Full time executive support arrangements will continue to be provided to ensure emails are handled during the Chief Executive's absence and where action cannot be taken by relevant officers in the Council, the Chief Executive can be alerted to deal with the matter. Peterborough City Council's Corporate Management Team have indicated their full support of these arrangements to dealing with issues, as

appropriate, when the Chief Executive is in Cambridgeshire. Similar executive support arrangements will be in place in Cambridgeshire County Council to manage the Chief Executive's work and emails.

8.1.2 It is also anticipated that a Deputy Chief Executive would be appointed within the County Council. It is not envisaged that any such arrangement would be required in Peterborough as the corporate management team would operate and share the responsibilities.

8.1.3 Whilst the agreement is based upon a 50/50 shared arrangement and would envisage the Chief Executive working an equal number of days at each authority, flexibility will be necessary in this pattern of working. Having said that, the Chief Executive will ensure that overall equity of strategic leadership is maintained.

## **9. GOVERNANCE AND TIMESCALES**

9.1 Following the County Council's Staffing and Appeals Committee approval on the 27 August, a response from Peterborough is awaited. If Employment Committee agrees to this proposal a recommendation will be made to Council at its meeting on 14 October to approve the arrangement. The Chief Executive is scheduled to meet with the County's Staffing and Appeals Committee and Group Leaders on 10th September as part of the process with an appointment decision made at the County's Council meeting on 13 October.

9.2 If the proposal is agreed by both Councils a formal secondment agreement would be drawn up between both Councils and the Chief Executive to ensure that the interests of all parties are protected. This would mean that Peterborough City Council would remain the employer of the Chief Executive. The secondment would be up to 12 months with a review after six months and include a termination clause of one month's notice. The secondment is framed in this way as this is the first proposed shared arrangement of this kind nationally and both parties need the security of a proper secondment arrangement but at the same time the ability to review at an appropriate point whether the arrangement is effective.

9.3 It is further proposed that a progress report on the working arrangements be brought back to Employment Committee at the 6 month review period.

## **10. IMPLICATIONS**

10.1 There will be undoubted challenges to all with this arrangement and an essential ingredient for this to work is members' agreement to enter into this temporary arrangement as well as a high degree of flexibility by the Chief Executive and key support provided by both Councils.

10.2 Financial – As noted in the body of the report, the expectation is that a financial saving of £110k per annum will be realised from this arrangement.

10.3 Human Resources – if the proposals are agreed a secondment agreement will be drawn up and framed in such a way which protects the interest of all parties.

10.4 Legal - Under section 113 of the Local Government Act 1972 a local authority is permitted to enter into an agreement with another local authority to place its officers at the disposal of the latter for the purposes of their functions. This is the section which governs these shared service proposals. Under Peterborough City Council's constitution the Council is responsible for approving the agreement to enter into these shared arrangements under section 113. Section 4 of the Local Government and Housing Act 1989 states that all local authorities must designate one of their officers as its Head of Paid Service. At Peterborough City Council the Chief Executive is designated to that statutory role and leads the officers to support the delivery of the Council's functions and services. Under section 112 of the Local Government Act 1972 the Council has responsibility for determining the terms and conditions upon which its staff are employed. That determination is given to the Employment Committee under its delegated authority. Given

that these arrangements will result in the appointment of the Council's most senior employee to another Council to operate in parallel with the Chief Executive's continued employment at the City Council, the matter is referred to Council for approval as the Council has responsibility for matters concerning the appointment of the Chief Executive.

**11. REASONS FOR RECOMMENDATIONS**

- 11.1 This paper deals with the benefits of this arrangement in terms of joint working/sharing best practice, but also addresses the challenges for ensuring the Chief Executive works effectively across both Councils ensuring the sovereignty of those Council's policies are robustly maintained.

**12. BACKGROUND DOCUMENTS**

None.

**13. APPENDICES**

**Appendix 1** - Job Description & Person Specification of Cambridgeshire County Council Chief Executive.

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## **JOB DESCRIPTION**

**Job Title:** Chief Executive

**Reports to:** Cambridgeshire County Council, acting through the Leader

### **JOB PURPOSE**

As the most senior officer of the County Council, to ensure that the strategic aims of the organisation are clear and reflect the Council's vision, values and priorities and are balanced against available resources.

To discharge fully the responsibilities of the Head of Paid Service in accordance with the provisions of the Local Government and Housing Act 1989 and Cambridgeshire County Council's Constitution.

To act as the County Council's principal advisor on matters of general policy and to provide impartial advice and guidance to all elected Members.

To lead and develop strategic partnerships, ensuring the development of shared commitment, and capacity to achieve improved outcomes for the community of Cambridgeshire.

To provide strong leadership and direction throughout the Council. Work with partner agencies to enable the development of sustainable communities and the management of the growth agenda within Cambridgeshire and beyond.

### **CORPORATE ACCOUNTABILITIES**

#### **Strategic Management**

- Corporate and Service Strategies and Planning
- Leadership and Partnerships
- Communication and Customer Focus

#### **Operational Management**

- Financial and Performance Management
- Service Delivery and Quality Management
- Governance and Risk Management
- People Management
- Programme and Change Management

### **JOB SPECIFIC ACCOUNTABILITIES**

#### **1. Corporate and Service Strategies and Planning**

Working with the leader of the County Council and elected members, lead the development of corporate and service strategies; the development of policies and

plans; ensure that these are communicated effectively and implemented to meet stated objectives and core values.

Act as the principal policy advisor to the elected members of the County Council to enable them to make informed choices and decisions concerning the development of policies and service outcomes, their resource implications, and the allocation and reprioritisation of resources.

Lead the Senior Management Team in the development and implementation of corporate policy, strategy and plans to deliver the Council's objectives. Ensure the creative and innovative management of all Council resources to enhance the Council's capacity and ability to achieve its objectives whilst identifying and addressing financial and other risks.

## **2. Leadership and Partnerships**

Ensure that the citizens of Cambridgeshire receive well co-ordinated and effective services by leading and promoting partnership working throughout the organisation and across other agencies. This includes consultation and co-ordination of strategies and activities with key statutory, voluntary and private sector partners and influencing the work of a range of key external organisations.

Contribute to the leadership of the Council by communicating the vision, objectives and values; encouraging and enabling managers to motivate and inspire their teams; representing the Council at local, regional and national forums. Develop and maintain a culture of collaborative and consultative working between services, members and external partners to maximise efficiency and effectiveness.

For the benefit of residents and businesses, maximise any Devolution Deal struck with Central Government securing relevant freedoms and flexibilities. Support the implementation of any necessary governance changes and provide officer leadership across partners for the delivery of a Devolution Deal agreed for the County.

Develop and maintain effective networks with central government, European agencies and local MPs to ensure that the needs of Cambridgeshire citizens are known and that the county benefits from national and European policies, programmes and initiatives.

## **3. Communication and Customer Focus**

Ensure that strategies, policies and systems are in place to inform and receive feedback (including complaints and suggestions) from service users, partners,

stakeholders and employees; and to evaluate that feedback and to take appropriate action for continuous improvement. Ensure that customer-focus is promoted as a core value of the authority.

Ensure that robust strategies, policies and systems are in place to communicate with and consult about the activities and priorities of the Council externally with the public and key partners, and to enhance the reputation of the County Council with the public, key partners and employees.

## **4. Financial and Performance Management**



Define in collaboration with elected members the required outcomes for the Council, taking into account the needs of citizens and partners whilst ensuring the delivery of a balanced budget within the current challenging financial climate of budget reductions and increasing demand on services.

Promote partnership working across organisational boundaries to ensure that pan public sector funding is exploited to provide value for money strategic outcomes across Cambridgeshire.

Manage the performance of the organisation to deliver these outcomes and value for money. Champion performance management by ensuring that the organisation measures outcomes and sets itself ambitions and suitably challenging goals, and achieves them.

Ensure that officers across the organisation are proactively managing and making best use of the Council's assets at all times.

## **5. Service Delivery and Quality Management**

Make certain that services commissioned or delivered by the Council achieve the best possible outcomes for the County's residents and businesses with the resources available. Test the performance, value for money and quality standards through benchmarking with other councils and relevant organisations.

Ensure that services are of the quality the Council (and the various inspectorates) expects and address any deficiencies quickly.

Drive where appropriate the integration of the Council's ways of working with other relevant bodies and ensure that any collaborations or shared service arrangements are efficient and effective.

Ensure that the County Council discharges its corporate responsibilities in relation to the well-being and safeguarding of children and vulnerable adults, both sensitively and effectively.

## **6. Governance and Risk Management**

Ensure the effective governance of the County Council and the legality, probity, integrity, proper public accountability and scrutiny of its decision making processes.

Lead the overall management of risk within the County Council, ensuring that the lines of accountability are clear and well understood and systems are in place for monitoring, evaluating and managing risk to secure the reputation and physical, virtual and intellectual resources of the Council.

Support the County Council's response to a Major Incident, in conjunction with statutory partner organisations, and ensure the work of the County Emergency Management Team is sufficiently robust, resourced and managed.

## **7. People Management**

Lead, inspire, motivate and develop the Corporate Leadership Team to ensure that the Council can attract, motivate, reward, retain and develop a high calibre workforce.

Maximise the capacity of the Senior Management Team to manage people, performance, programmes and change. Sustain and enhance the outward facing community and customer focus of the workforce.

Ensure CLT and SMT succession strategies are in place and shared as appropriate.

## **8. Programme and Change Management**

Lead and ensure appropriate engagement with relevant programmes across the Council and with partner organisations, to foster the effective management of change and improvement services.

### **Role Dimensions**

**People:** Approximately 10,500 (including centrally employed staff and maintained school staff).

**Budget:** Approximately £550 million revenue. Capital Programme of £1,277 million.

## PERSON SPECIFICATION

### Essential education, qualifications and training

- Educated to degree level or equivalent
- Management qualification or willingness to work towards one
- Evidence of commitment towards continuous professional development

### Desirable education, qualifications and training

- Post graduate level management qualification in a relevant area

### Essential knowledge requirements

- Detailed knowledge and understanding of Local Government organisation and services

### Essential experience and skills

- Substantial experience of successfully working as part of a strategic management team to achieve outcomes, including organisational change and improvement, within the public sector and preferably within local government.
- Proven track record of fostering effective relationships that have delivered successful outcomes through partnership working across organisational and professional boundaries.
- Experience must be sufficient in breadth and depth to enable the postholder to operate at the highest level of the organisation, providing strategic vision, direction, leadership and management.
- Highly developed leadership skills including:
  - The ability to think and plan strategically;
  - The ability to set and deliver realistic objectives;
  - The ability to lead and inspire teams of people;
  - A creative and innovative approach to problem solving;
  - The ability to prioritise the use of resources – human, financial, physical, and time, to achieve objectives.
  - The ability to quickly understand and analyse complex issues, and convey that understanding to others.
- Able to demonstrate a track record of success in leading, mobilising deploying, motivating, developing and inspiring a large workforce and delivering substantial change programmes.

- A high degree of political sensitivity, understanding and responsiveness to the implications of working within a political and democratically accountable organisation.
- Ability to gain the confidence of partners, colleagues and employees and establish positive relationships with elected Members which generate mutual confidence and respect.
- Demonstrable commercial awareness and a commitment to applying this to local government public service delivery.
- An understanding of and commitment to diversity and health & safety in policy, service delivery and employment terms.
- Significant experience of working with elected Members and the ability to demonstrate political sensitivity and interpret political will.
- Extensive knowledge and understanding of the management environment in large, complex local government organisations.
- Demonstrable and sustained record of commitment to public service and local democracy.

**Desirable experience and skills**

- Experience of operating as a successful Chief Executive within a large local authority.
- Experienced in managing large scale growth, regeneration and development programmes.