

By: Peter Sass – Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee – 22 March 2011
Personnel Committee – 28 March 2011

Subject: **Interim Senior Manager Appointments**

Classification: Unrestricted

Summary:

This report invites the Committee to determine the most appropriate process for notifying Members of all interim senior manager appointments.

1. Appointment of Interim Senior Managers

(1) At its meeting on 3 November, 2010, the Scrutiny Board considered the process for the appointment of interim senior managers (costing £20,000 or more) and how this differs from the process for appointing Consultants.

(2) Paragraph 11(c) of Contract and Tenders Standing Orders (page 126 of the Constitution) states that:

"Being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board."

(3) Paragraph 8 of the Personnel Management Rules (page 47 of the Constitution) states that:

"When a senior manager^{*} ceases to hold that post or is likely to be absent for any length of time, the Group Managing Director, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee."

(4) At the present time, any appointment of a senior interim manager which is made at a cost of more than £20,000 is not reported to either to the Scrutiny Board or political group leaders, typically because the individual is:

^{*} defined in paragraph 2 of the Personnel Management Rules as Grade M or above

1. appointed as a result of a competitive process;
2. not a consultant but an interim manager; and
3. not temporarily covering an existing senior manager's post.

(5) The Scrutiny Board accepted that, whilst such appointments do not require notification under either of the parts of the Constitution referred to above, it would be desirable if elected Members were made aware of all senior managerial appointments, including those referred to in paragraph (4), above. Accordingly, the Scrutiny Board suggested the following additional sentence (underlined) be added at the end of paragraph 11(c) on page 126 of the Constitution:

"Being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board. Similarly, the appointment of an interim senior manager (defined in the Personnel Management Rules as Grade M or above) or equivalent for £20,000 or more for the period of the contract (whether undertaken as a non-competitive procurement or not) must also be reported to the Head of Democratic Services within 14 days of the appointment being made so that s/he may notify Members of the Scrutiny Board."

(6) At its meeting on 19 November, the Selection and Member Services Committee agreed that the above-mentioned change to the Constitution should be recommended to the County Council for approval.

(7) However, the Leader considers that it would be more appropriate to amend paragraph 8 of the Personnel Management Rules on the basis that it is the role of the Personnel Committee, not the Scrutiny Board, to be notified about and be aware of all senior manager appointments. Accordingly, the Committee is invited to recommend to the County Council the following amendment (underlined) to paragraph 8 of the Personnel Management Rules, as follows:

"When a senior manager[†] ceases to hold that post or is likely to be absent for any length of time, the Managing Director, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee. Similarly, the Managing Director may, after consultation with the political group leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the Establishment and determine the rate of remuneration. These appointments shall not extend beyond six months without the approval of the Personnel Committee."

[†] defined in paragraph 2 of the Personnel Management Rules as Grade M or above

5. Recommendations

The Committee is invited to recommend to the County Council that the Personnel Management Rules be amended as set out in paragraph 1(7) above so that there is a clear and unambiguous process for notifying Members of all senior manager appointments as described in this report.

Peter Sass
Head of Democratic Services and Local Leadership
(01622 694002)
peter.sass@kent.gov.uk

Background Papers: None