

Report for: Appointments Panel – 23rd January 2024

Title: Appointment to the post of Assistant Director for Legal and Governance (Monitoring Officer)

Report authorised by: Jess Crowe, Director of Culture, Strategy, and Engagement

Lead Officer: Ben Hunt, Head of Chief Executive’s Office / Christiana Kyriacou, Strategic HR & OD Business Partner

Ward(s) affected: All

Report for: Non-Key Decision

1. Describe the issue under consideration

- 1.1. The Chief Executive, as Head of Paid Service, proposed changes to the senior management structure in November 2023. This comprised of deleting the post of Head of Legal and Governance (Monitoring Officer) and creating a new post of Assistant Director for Legal and Governance (Monitoring Officer). This new Assistant Director post brings together the current Head of Legal and Governance’s services of Legal, Democratic Services, Information Governance, and the Coroner’s Service and adds in Electoral Services into one new function, with much needed senior management capacity and oversight. The proposal also included a change of reporting line for the new function to the Director of Culture, Strategy & Engagement, however, for Monitoring Officer duties, the new post would continue to report directly to the Chief Executive.
- 1.2. As per the Council’s Organisation Change Policy, postholders affected by the changes were consulted. The proposal outlined that due to the deletion of the Head of Legal & Governance (Monitoring officer) post the current postholder was put ‘at risk’ of redundancy. However, the new role of Assistant Director for Legal & Governance (Monitoring Officer) was considered a suitable alternative role and the new post is to be offered to the affected postholder as the prospective postholder on this basis and subject to the relevant approval process.
- 1.3. Therefore, this report seeks approval to confirm the appointment of the prospective postholder to the role of Assistant Director for Legal and Governance (Monitoring Officer) in line with Part 4, Section K, Section 4 of the Council’s Constitution.

2. Cabinet Member Introduction

- 2.1 Not applicable.

3. Recommendations

- 3.1. To note the content of this report and agree to appoint the prospective postholder to the post of Assistant Director for Legal and Governance (Monitoring Officer) subject to the objections process of the Cabinet whereby the Appointments Panel may only make the offer of appointment when:
 - (a) no objection has been made by any member of the Cabinet, or
 - (b) if any objection is made, the Appointments Panel has declared itself satisfied that the objection is not material or well-founded.
- 3.2. Subject to (3.1) above, to agree a salary within the salary range of grade HB1 of £109,464 - £127,008 as set out in the Council's Pay Policy Statement.
- 3.3. To note that as the prospective postholder was previously approved as the Council's Monitoring Officer by Full Council on 01 March 2021, it is not required to return to Full Council for approval for this aspect of the role.

4. Reason for decision

- 4.1. To fill a senior post in the council's organisation structure from among existing officers and in line with the Council's Organisation Change Policy and the Council's Constitution. This will avoid the potential risk and cost of an unnecessary redundancy, as well as de-stabilising the leadership of these important Council services.

5. Alternative options considered

Not appointing to the role. This could lead to an unnecessary and very costly redundancy situation and recruitment campaign.

6. Background information

- 6.1. The Head of Legal and Governance post at grade HC3 was established in 2021, and at that time the service contained three main functions – Legal Services, Democratic and Scrutiny Services, along with Business Support and Registrars. The post was also designated as the Monitoring Officer – one of the council's three statutory officers. The role reported directly to the Chief Executive.
- 6.2. At the time of recruiting and appointing to the role of Head of Legal & Governance (Monitoring Officer), the role was subject to the officer appointment process and not a member interview/appointment process but was subject to Full Council approval for the statutory Monitoring Officer aspects of the role. Both processes were undertaken in line with policy and the Council's Constitution at the time.
- 6.3. Since then, the role expanded to include two new areas – Information Governance, including managing a newly created Head of Information Governance post, and the Coroner's Service, holding the strategic relationship

and line management responsibilities for the five-borough shared service hosted by Haringey council. These are two significant additional areas of work.

- 6.4. Alongside this, the council's Electoral Services sat within the Human Resources department, with the Head of Electoral Services reporting to the Chief People Officer. This arrangement was put in place in 2021 as a temporary measure, and so a permanent home for this service was needed.
- 6.5. It was therefore decided that these services would be brought together under a new Assistant Director for Legal and Governance (Monitoring Officer) post at Grade HB1, giving much needed senior management capacity and oversight and recognising the strategic importance of these critical corporate services. At the same time, this new service would move to the Culture, Strategy and Engagement (CSE) directorate. This would ensure the service benefits from being part of a wider directorate, and the new Assistant Director post has the appropriate leadership support.
- 6.6. For all Monitoring Officer functions, the Assistant Director for Legal and Governance would retain a direct reporting line to the Chief Executive. The post would remain on the Council Leadership Team.
- 6.7. The above changes were subject to a consultation process with affected staff which commenced on 14th November 2023 and has been concluded.
- 6.8. The proposal outlined that due to the deletion of Head of Legal & Governance role, this put the current post holder 'at risk' of redundancy. However, the new role of Assistant Director for Legal & Governance (Monitoring Officer) was considered a suitable alternative post (in line with policy) and at the end of consultation was offered as such to the postholder based on a-c below and subject to d:
 - a. the new role is one grade up from the postholder's substantive grade
 - b. the similarity of the new post to the current post
 - c. the postholder skills, abilities and personal circumstances
 - d. where the post is a member appointment, and the individual is being redeployed to the new post from a post that isn't a member appointment (i.e., they have never had a member interview) then the redeployment is subject to approval by the Appointments Panel

7. Contribution to strategic outcomes

- 7.1. The post of Assistant Director for Legal and Governance (Monitoring Officer) is a key role and part of the strategic leadership of the Council, as well as one of the council's three statutory officers (Monitoring Officer). It is responsible for the delivery of Council priorities and corporate delivery plan.

8. Statutory Officers' Comments

Finance (including Procurement)

- 8.1. The proposal to delete the Head of Legal and Governance (Monitoring Officer) post and create the post of Assistant Director for Legal and Governance (Monitoring Officer) will incur an additional cost which has been built into the 24/25 Budget and 24-29 MTFS.

Legal

- 8.2. A local authority shall appoint such officers as it thinks necessary for the proper discharge by the authority of such of their functions (section 112 Local Government Act 1972).
- 8.3. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”) and Part 4 Section K of the Council’s Constitution, the appointment of Directors which included Assistant Directors must be made by the Appointments Panel. The post referred to in this report therefore falls within the remit of this Committee. In addition, the 2001 Regulations state that where a committee or a sub-committee of the council is discharging the function of appointment on behalf of the authority, at least one member of the cabinet must be a member of that committee or sub-committee.
- 8.4. Under the Councils’ Organisational Change Policy the prospective postholders old role of Head of Legal and Governance (Monitoring Officer) meets the criteria of a suitable alternative post and the appointment by way of assimilation into the role is recommended on that basis.
- 8.5. Members will note that the Monitoring Officer function was not put at risk and the appointment to that statutory role does not require the further approval of Full Council.
- 8.6. Under Part 4 Section K paragraph 4 of the Constitution, the offer of appointment of the Assistant Director for Legal and Governance (Monitoring Officer) shall only be made where:
- (i) no objection has been made by any member of the Cabinet, or
 - (ii) if any objection is made, the Appointments Panel has declared itself satisfied that the objection is not material or well-founded.
- 8.7. In accordance with the Council’s Pay Policy Statement and Part 3 Section B of the Constitution, where it is proposed to appoint an officer and the proposed salary is £100,000 per annum or more, the Appointments Panel must consider and approve the proposed salary.
- 8.8. Under section 7 of the Local Government and Housing Act 1989, every appointment to a paid office or employment to a Council post must be made on merit. For the reasons stated above in paragraph 8.4 the proposed appointment is put forward as meeting this criteria.

9. Use of Appendices

- 9.1. Not applicable.

10. Local Government (Access to Information) Act 1985

10.1. Not applicable.