



SHEFFIELD CITY COUNCIL Report to Council

Report of: Executive Director of Resources / Director of Human Resources and Customer Services

Date: 14th September 2022

Subject: Proper Officer Designations Relating to the Functions of Director of Children's Services and Monitoring Officer

Author of Report: Mark Bennett, Director of Human Resources and Customer Services

Summary:

The report seeks approval for the Interim Director of Children's Services to be appointed as the statutory Director of Children's Services in accordance with Section 18 of the Children Act 2004. The report also seeks approval for a change to the appointment of Monitoring Officer, a position held in accordance with Local Government and Housing Act 1989.

Recommendations:

The recommendations are set out at Section 7 on page 5 of this report.

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
NO
Legal implications
YES – Cleared by Sarah Bennett
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
Yes – set out within the report
Property implications
NO
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

1. Introduction

- 1.1 This report provides details of proposed changes to be made to Part 7 (Management Structure and Statutory/Proper Officers) of the Council's Constitution and asks the Council to specifically appoint officers to two statutory roles: Director of Children's Services and Monitoring Officer.

Director of Children's Services

- 1.2 Section 18 of the Children Act 2004 requires every top tier local authority to appoint a Director of Children's Services (DCS). The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers. In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The DCS is responsible for the performance of local authority functions relating to the education and social care of children and young people.

Monitoring Officer

- 1.3 The Monitoring Officer has the specific duty to ensure that the Council, its officers, and its Elected Councillors, maintain the highest standards of conduct in all they do. It is the role of the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the council's constitution. The Monitoring Officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989 (as amended).

2. Background and Proposals

Director of Children's Services

- 2.1 Under the Constitution, the role of Executive Director, People, is currently designated as holding the statutory responsibility of Director of Children's Services. John Macilwraith, Executive Director, People, having resigned his position with Sheffield City Council a new Director of Children's Services is required.
- 2.2 Having considered options for a short term external interim options and tested the market it was decided the quality of candidates we need was not available. Part of the reason for this is that many Councils have now moved away from a "People" approach back to separate roles for Adults and Children's, recognising the complexity of both roles. We need to reflect on this issue in our permanent model

- 2.3 In the meantime, we have progressed temporary changes to reconfigure the existing duties of Executive Director, People which offer great development opportunities to the existing Leadership Team, whilst ensuring that we appoint people who know the organisation and understand what we are trying to achieve, providing consistency of leadership at a crucial time.
- 2.4 Directors were asked to consider applying for the role of Director of Children's Services on a temporary basis and following formal interview Andrew Jones has been appointed to the role on a temporary basis for a period of six months.
- 2.5 Full Council is now asked to formally designate the role of Director of Children's Services as the Statutory Officer and Proper Officer role of Director of Children's Services and to confirm Andrew Jones in that statutory role.

Monitoring Officer

- 2.6 Gillian Duckworth, Director of Legal & Governance and statutory Monitoring Officer is resigning her position on 23rd September and we have started to progress permanent recruitment to this role. Interim internal cover arrangements are proposed to cover any gap after Gill leaves, with David Hollis stepping up into the role on an interim basis.
- 2.7 Full Council is now asked to formally confirm David Hollis as interim Director of Legal and Governance and thereby as the Council's Monitoring Officer.
- 2.8 The proposed changes to the Statutory Officer and Proper Officer designations within Part 7 of the Constitution are set out in Appendix A to this report (with the re-designations showing as tracked changes). These changes to the Constitution are required to be made by Full Council.

3. Human Resources Implications

- 3.1 The Director of Children's Services is a new role created on a temporary basis for a period of six months pending a review of the senior organisation structure. It replaces the role of Executive Director People. The pay set for the role of Director of Children's Services is £125,000 per annum.
- 3.2 The Director of Legal and Governance is a role set out in our council Pay Policy previously approved by Full Council and the appointment will be made in accordance with the terms previously agreed.

4. Legal Implications

- 4.1 Section 18 of the Children Act 2004 requires every top tier local authority to appoint a Director of Children's Services.
- 4.2 Under section 5 of the Local Government and Housing Act 1989 it is the duty of every relevant authority to designate one of their officers as the authority's Monitoring Officer.

4.3 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. The proposed changes in this report will bring parts of the Constitution up to date to comply with the legislation.

4.4 Variations to the Constitution may only be made by Full Council, except that the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

5. **Financial and Commercial Implications**

5.1 There are no financial implications.

6. **Equality of Opportunity Implications**

6.1 There are no equalities implications.

7. **Recommendations**

7.1 That the Council:-

- (a) notes the creation of the temporary post of Director of Children's Services and that the Director of Children's Services and the Director of Adult Health and Social Care will both report directly to the Chief Executive for this interim period;
- (b) designates the new post of Director of Children's Services as the Director of Children's Services in accordance with s18 of the Children Act 2004;
- (c) agrees the appointment of Andrew Jones as Director of Children's Services and his designation as the Council's Director of Children's Services in accordance with s18 of the Children Act 2004;
- (d) agrees the appointment of David Hollis as interim Director of Legal and Governance from 24th September 2022 and his designation as Monitoring Officer in accordance with s5 of the Local Government and Housing Act 1989;
- (e) agrees the changes to the Statutory Officer and Proper Officer designations within Part 7 of the Constitution as set out at Appendix A.
- (f) agrees that references to the Executive Director, People in the Terms of Reference of the Admissions Committee, in the Employment Procedure Rules and in Appendix J to the Officer Code of Conduct are to be read as referring to the Director of Children's Services.
- (g) agrees that Part 7B – Management Structure of the Constitution shall be read as though the reference to the Executive Director, People Services being designated as the Director of Children's Services under the Children Act 2004 had been removed.

Mark Bennett, Director of Human Resources & Customer Services

Extracts From The Sheffield City Council Constitution:
Part 7A (Statutory and Proper Officers)

Section 3 (Statutory Officers)

PROPOSED CHANGE OF STATUTORY OFFICER DESIGNATION

Legislation	Description	Allocated To
Children Act 2004 Section 18	Director of Children's Services	Executive Director, People <u>Director of Children's Services</u>

Section 4 (Proper Officers)

PROPOSED CHANGE OF PROPER OFFICER DESIGNATION

Children Act 2004	Description	Proper Officer
Section 18	Officer appointed as Director of Children's Services	Executive Director, People <u>Director of Children's Services</u>