

COUNCIL		
Report Title	Interim Chief Executive Arrangements	
Key Decision		
Ward	All	
Contributors	Head of Organisational Development & Human Resources	
Class	Part 1	Date 28 November 2018

1. Summary

This report asks the Council to note that Ian Thomas, the Council's incumbent Chief Executive, will leave the Council's employment on 31st December 2018; and to agree that Janet Senior, who is currently acting under delegated authority as Chief Executive, is confirmed as Interim Chief Executive pending the appointment of a permanent Chief Executive.

2. Purpose

The purpose of this report is to agree interim Chief Executive arrangements, following Ian Thomas' departure, to fulfil the statutory duties of the Head of Paid Service and to ensure that the Council has continuity of management direction at the highest level pending the appointment of a permanent Chief Executive.

3. Recommendations

- 3.1 To note that the Chief Executive, Ian Thomas, will be leaving the Council's employment and that his last day of service will be 31st December 2018.
- 3.2 To note that the Executive Director for Resources and Regeneration, Janet Senior, has been granted delegated powers to act as Chief Executive until 31st December 2018.
- 3.3 To agree to appoint, from 1st January 2019, Janet Senior, Executive Director for Resources and Regeneration, as Interim Chief Executive. Such appointment will authorise the Executive Director for Resources and Regeneration to exercise all of the functions currently exercisable by the current Chief Executive, including those of Returning Officer and Electoral Registration Officer. In recognition of the additional duties, to authorise the Head of Organisational Development & Human Resources to agree an appropriate honorarium in respect of the additional duties associated with acting as Interim Chief Executive.

4. Background

Appointment of current Chief Executive

- 4.1 Council on 14th March 2018 appointed Ian Thomas as Chief Executive, following the departure of Lewisham's long serving Chief Executive, Barry Quirk, to take on the Chief Executive role at the London Borough of Kensington and Chelsea. Ian Thomas took up the appointment on 14th May 2018

Current Chief Executive Leaving

- 4.2 It was announced on 29th October 2018, that Ian Thomas was stepping down from his role on 31st December 2018.

Delegated Powers

- 4.3 On 29th October 2018, Ian Thomas announced that he had agreed that Janet Senior take on his Chief Executive responsibilities for the immediate future.

Interim Arrangements

- 4.4 Janet Senior's delegated authority from Ian Thomas to act as Chief Executive, the Council's statutory Head of Paid Service, expires on Ian Thomas leaving on 31st December 2018. The Council is required to have someone acting in or appointed to the statutory role of Head of Paid Service. As such, the Council is recommended to agree that the Executive Director for Resources and Regeneration continues with this statutory power on an interim basis and is appointed as the Interim Chief Executive from 1st January 2019.
- 4.5 If this is approved, given that the arrangement is likely to exist for several months pending the appointment of a new Chief Executive, it will be necessary to ensure that there are sufficient additional resources to support the Executive Director for Resources and Regeneration in relation to her current duties to provide her with the time and capacity to perform the significant duties of Interim Chief Executive over the months ahead. It would only be fair and proper to compensate her for this longer term interim arrangement. In recognition of the additional duties, Council is asked to authorise the Head of Organisational Development & Human Resources to agree an appropriate honorarium in respect of the additional duties associated with acting as Interim Chief Executive.

The recruitment process

- 4.6 It is proposed that the Head of Organisational Development & Human Resources would seek external advice in the New Year on the appropriate timing next year to commence a recruitment process. A further report will then be submitted to Council outlining the proposed recruitment process.

5. Legal Implications

- 5.1 By virtue of S4 Local Government & Housing Act 1989, the Council is under a statutory duty to designate one of its officers as the Head of Paid Service.

- 5.2 That decision, by law, is a matter for full Council. The Council's constitution provides that full Council may request the Appointments Committee to assist it in the appointment of a Chief Executive or make alternative arrangements. It is not compelled to do either.
- 5.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 5.5 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 5.6 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 5.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

5.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

5.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

6. Equalities Implications

There are no equality implications.

7. Financial implications

7.1 The cost of the salary of the current Chief Executive is £185,000 plus on costs. This is met from existing budgets. Any honorarium to be paid to an Interim Chief Executive, and any back up costs to support this interim's substantive position would be covered by these savings.

8 Conclusion

The council has a legal requirement to have a person with the statutory powers of Head of Paid Service. With the incumbent Chief Executive leaving on 31st December 2018 the proposals in this report request the Council appoint Janet Senior as Interim Chief Executive from the 1st January 2019 to fulfil the statutory duties of the Head of Paid Service and to ensure that the Council has continuity of management direction at the highest level pending the appointment of a new permanent Chief Executive.