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Date: Friday, 18 November 2011

Democratic Services
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Dear Member

EMPLOYMENT COMMITTEE - WEDNESDAY, 23 NOVEMBER 2011

I am now able to enclose, for consideration at the Wednesday, 23 November 2011 meeting of the Employment Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Recruitment of Directors	(Pages 1 - 48)

Yours sincerely

June Gurry
Clerk

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Title: **Top Team Restructuring**

Public Agenda Item: **Yes**

Wards Affected: **Indirectly all wards in Torbay**

To: **Employment Committee** On: **23 November 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Julia Baldie**
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1. **What we are trying to achieve and the impact on our customers**

1.1 To agree the process for appointing the top team of directors, namely; Director of Children's Services, Director of Adults Services & Resources and Director of Place and Resources.. This decision will achieve a clear way forward in terms of the process that will then follow for interviews where necessary.

2. **Recommendation(s) for decision**

- (i) **that the urgent decision of the Chief Executive to reconfigure the director positions be noted;**
- (ii) **that the job descriptions, salary levels and terms and conditions of contract for the Director of Adults Services and Resources, Director of Children's Services and Director of Place and Resources (as set out at Appendix 1 to this report) be approved;**
- (iii) **that Caroline Taylor be appointed via slotting in to the post of Director of Adults Services and Resources and that Charles Uzzell be appointed via slotting in into the posts of Director of Place and Resources, subject to the appointments being notified to every member of the Executive with a**

given a time period by which to object to the proposed appointment and for the Committee to consider any objections. The start date to be 1 April 2012 with a transition period commencing on 1 January 2012;

- (iv) that the interviews for the post of Director of Children's Services be conducted in December 2011 by this committee, supported by the Chief Executive and a Human Resources Advisor, with observers to be identified by the Chief Executive; and
- (v) that the appointment to the post of Director of Children's Services be determined following the interviews, subject to the appointment being notified to every member of the Executive with a given a time period by which to object to the proposed appointment and for the Committee to consider any objections.

3. Key points and reasons for recommendations

- To ensure scrutiny and transparency of senior officers remuneration, job description and terms and conditions.
- To ensure the reorganisation policy has been undertaken.
- To ensure scrutiny and transparency of the appointments process.
- To ensure adequate protection of the taxpayer's interests in respect of senior officer appointments.

For more detailed information on this proposal please refer to the supporting information attached.

Mark Bennett
Executive Head of Business Services

Supporting information

A1. Introduction and history

A1.1 Following the Full Council Report entitled “Top Team Restructuring” which was agreed on 29th September 2011, the Chief Executive has been following the Council’s Reorganisation Policy to seek to fulfil the agreed structure, taking it from 5 full time equivalent posts (5.0 FTE) to 3.6 full time equivalent (FTE) posts (including a full time Chief Executive).

A1.2 Terms and Conditions of employment

The relevant terms and conditions for the proposed Director posts sit under the Joint Negotiating Committee for Chief Officers of Local Authorities (JNC). These terms and conditions are specifically designed for senior officers of local authorities and are therefore relevant to these director appointments. It is recommended therefore, that these continue to be recognised as the relevant terms and conditions of employment for these posts moving forwards.

A copy of standard terms and conditions for Chief Officers can be found at appendix 2.

A1.3 Salary – Hay Evaluations

Each of the Director posts has been evaluated using the HayGroup Job Evaluation Scheme. This is because the Council’s Job Evaluation scheme under the Greater London Provincial Council (GLPC) does not cater for very senior posts. Under the Chief Officer’s terms and conditions, it is recommended that all posts are evaluated using the Hay Scheme. The Hay evaluations produced the following results:

Director of Children’s Services	Hay Know how score of 608
Director of Adults and Resources	Hay Know How score of 608
Director of Place and Resources	Hay Know How score of 608

The Council uses Know How scores to determine pay, and for both Executive Heads and Commissioners, this has taken the form of a spot salary. The Hay Evaluations can be found at appendix 3.

A1.4 Justification for director salary levels

Under existing arrangements, a Know How score of 608 equates to a spot salary of £108,974 per annum. This salary is equal to that currently being earned by two of the current Commissioners. It represents a lower salary for the DCS than the People Commissioner, to take into account that it no longer carries the biggest portfolio of services. This salary will be pro-rata for any part time posts and under the proposal, realises a total cost saving in the region of £185,500 per annum.

There has been recent publicity about public sector pay levels in comparison to the private sector. It is difficult to compare apples with pears. However, a recent article published by HayGroup called “Public Private Pay ‘Gap’” the paper states “Hay Group’s data reveals disproportionate senior salary rises in the public sector to be a myth, with senior managers in private firms still earning significantly more than their public sector counterparts. And as Government spending cuts and calls for pay restraint begin to hit, public sector pay will plateau, whilst private salaries are set to climb.”

It also states “When including bonuses, senior management in the private sector earn £57k more annually on average than their public sector counterparts – a consistent difference of over 60 per cent since 2000. The average pay (including bonuses) for a senior manager in the public sector is £118,673, compared to £176,498 in the private sector. In terms of base salary, private sector managers still earn almost £24k more per year on average than the equivalent role in the public sector.” In addition, the impact of outsourcing many ‘blue collar’ services has meant that the public sector now has a greater proportion of graduates than the private sector and the impact of these services on private sector pay rates brings down overall averages in the private sector.

In the article, David Smith a reward information consultant for Hay Group states “with pay restraint taking hold in the public sector and pensions set to become a less valuable benefit, we predict that the salary gap will start to widen at all levels in the next couple of years. In these tough times, the challenge for the public sector will be to contain costs yet still be able to attract and retain key talent.”¹
Please see appendix 4 for a full copy of this article.

The Hutton Review of Fair Pay entitled ‘Hutton Review of Fair Pay in the Public Sector: Final Report March 2011’ the report states “attacking pay and the overall reward package, especially given the growing and extraordinary differentials with parts of the private sector, will make it harder to recruit and retain good people just at the moment the UK is embarking on an ambitious programme of public service reform – and the painful rebalancing of its economy.”²

A1.5 Job Descriptions

A copy of each of the three job descriptions can be found at appendix 1. These have been written by the Chief Executive in conjunction with Human Resources. The Job Descriptions have been designed to ensure flexibility yet accountability for functions across the authority as well as to take into account future changes to the organisation and its services.

Recommendation to confirm Caroline Taylor to the post of Director of Adults and Resources and Charles Uzzell to the post of Director of Place and Resources.

In order to explain this recommendation it is necessary to summarise the position to date:

As part of the Reorganisation policy, there is a duty for the Council as an employer to seek to avoid the need for compulsory redundancies. The Commissioners have put forward operationally relevant proposals which, under the Reorganisation Policy, would negate the need for a competitive process to be undertaken.

Given the requirements of the Director of Children’s Services post, none of the Commissioners put forward an expression of interest for this post. This left only 1.6FTE posts available to the three full time Commissioners.

One Commissioner has proposed that they be allowed to take voluntary redundancy. Following this request being accepted, the remaining two Commissioners put forward a proposal to voluntarily reduce their hours from

¹ HayGroup “Public-Private Pay ‘Gap’”. Web publication can be found at www.haygroup.com/uk/press/details.aspx?ID=31724
² Hutton Review of Fair Pay in the Public Sector, Final Report March 2011 (see background document)

1.0FTE each (full time) to 0.8 FTE each (part time).

Having reviewed this proposal, the Chief Executive accepted that it would be operationally acceptable to re-align services under each of the two posts of Director of Adults and Resources and Director of Place and Resources. Therefore, under the Officer Scheme of Delegation, the Chief Executive made an urgent Council decision to make the following adjustment:

- To adjust the post of Director of Adults Services to Director of Adults Services and Resources and move it from a 0.6FTE to 0.8FTE
- To adjust the post of Director of Place and Resources from 1.0FTE to 0.8 FTE

In doing this, the functions will be re-aligned by the Chief Executive in consultation with the Mayor and Group Leaders. Accordingly, the title of both posts is now Director of Adult Services and Resources, and Director of Place and Resources (the split of the Resources portfolio to be agreed)

Under the Council's Reorganisation policy, there is a requirement to slot individuals into posts where they meet the requirements of the role. Each of the Commissioners were asked to make an expression of interest to the re-aligned posts. The Commissioners expressed an interest in different posts, and it has been agreed that it is a relevant and appropriate decision to "slot" the Commissioners into these posts without the need for an interview process. This decision has been taken by the Chief Executive, in consultation with Human Resources. This is consistent with the approach previously taken to re-allocation of Commissioner responsibilities.

A1.6 Recommendation to determine the appointments process for the remaining post of Director of Children's Services

Subject to the confirmation by the Employment Committee, this post will be appointed to before Christmas 2011.

Given that none of the existing "at risk" Commissioners have decided to apply for this post, the next step is for the Chief Executive to begin to determine the most appropriate recruitment process. In line with the Council's current policies in terms of recruitment and redeployment, it has been decided by the Chief Executive to seek to recruit to this post internally in the first instance.

A1.7 Recommended Appointment process

It is recommended that the interviews for the post of Director of Children's Services be conducted in December 2011 by this committee, supported by the Chief Executive and a Human Resources Advisor. It is proposed that the Chief Executive asks the interview questions (drawn up by the Committee in advance) leaving Employment Committee panel members the freedom to focus on responses and follow-up questions. The Chief Executive, in conjunction with the Chairman, will also determine any observers who may be present to provide feedback and advice to the panel.

In accordance with the Officer Employment Standing Orders, at the conclusion of the interview/s the appointment will be notified by email to every member of the Executive with a given a time period by which to object to the proposed appointment and for the Committee to consider any objections.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

Risks	Mitigation / Advantages
To not accept Chief Officers terms and conditions of employment would step outside of current best practice for this level of employee.	Chief Officer terms and conditions are relevant for those working at this senior level and are standard national terms and conditions, used widely across local authorities. All existing Commissioners are covered by Chief Officer terms and conditions, which currently suit the needs of the Council. There is still room to be flexible within these terms and conditions where necessary.
To further change the Job Descriptions	The Job Descriptions have been designed to ensure flexibility yet accountability for functions across the authority and have been financially evaluated. They have also been designed to take into account future changes to the organisation and its services. Through the reorganisation process, existing Commissioners have been consulted on the job descriptions. The versions presented to the Committee contain changes as put forward in the representations by Commissioners as part of our consultation with them.
Changing the proposed evaluated salaries.	Each post has been evaluated using Hay and the current relevant spot salary has been applied. This is in keeping with Executive Head and current commissioner salaries. As there are internal candidates who have expressed an interest in these posts, any detrimental change to their terms and conditions would mean the posts would not be suitable alternative employment. The risk here is that the organisation loses stability, experience and knowledge at the top of the organisation as this would mean all commissioners would be entitled to take redundancy.
Slotting in without the need for a recruitment process may not be seen in a positive way by partners or the community	Where an employee can demonstrate that they are a slot into a post in accordance with the Council's policies, this should be considered. To not do so would place the Council in breach of its employment policies and could place the Council at risk of a claim such as unfair selection for redundancy. At current Commissioner levels, taking on a different portfolio is not unusual, and current commissioners were appointed with proven leadership skills and the understanding that they

	could be required to work flexibly.
The Employment Committee may make the wrong decision in appointing the Director of Children's Services.	The Chief Executive will design a suitably robust and vigorous interview process, in consultation with the Chairman of the committee. The Committee will have an opportunity to review the feedback from relevant observers prior to making any decision, and will do so with available advice from Human Resources and any other external professionals as recommended by the Chief Executive. Any shortfalls by the candidate will be discussed and the Chief Executive will seek to provide adequate support and performance monitoring. If the internal process is not successful, the Council then will go to public advertisement.

A2.2 Remaining risks

There are few remaining risks, as this paper sets out more about agreeing a process. There is still the risk that despite the process being agreed, objections to the appointment process are made by the Executive. However, with the recommendations followed, the Council will have met its obligations in terms of best practice and employment law.

A3. Other Options

A3.1 There are limited other options that the Employment Committee can take in terms of the appointment panel, as these are member appointments. Should the post of Director of Children's Services not be appointed to, an external recruitment process will follow.

A4. Summary of resource implications

A4.1 Resources will be required to carry out the appointment for the Director of Children's Services. This will mainly be through officer time and to book a venue (with associated costs) for the interviews to take place. If an external process is required, significant additional resources will be required.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

All the proposals will be carried out in accordance with approved Human Resources Policies. These policies have been equality impact assessed, and have been agreed through the Council's consultation process.

A6. Consultation and Customer Focus

A6.1 The Chief Executive's paper *Leading Through Austerity* was consulted on in the late summer and early autumn. Since the structure was agreed at full council, the Chief Executive has been carrying out consultation with individuals concerned. Commissioners were given opportunity under the Council's policy to feed back on

the structure, job descriptions and their own personal circumstances. It has been through this individual consultation that the recommendations have been made.

A7. Are there any implications for other Business Units?

A7.1 If the role of Director of Children's Services is filled by one of the Executive Heads within Children's Services, there may be further need to consider the structures beneath. There will be no other direct implications for Business Units. However, reporting lines may change further.

Appendices

Appendix 1 - Proposed Job Descriptions

Appendix 2 - Example of Chief Officer Terms and Conditions

Appendix 3 - Hay Evaluations

Appendix 4 - HayGroup article – "Public – Private Pay Gap"

Background Papers:

The following documents/files were used to compile this report:

Hutton Review of Fair Pay in the Public Sector, Final Report, March 2011

Job Description

Job Title:	Director of Children’s Services
Directorate	Children’s Services
Responsible To: <i>(day to day issues)</i>	Chief Executive
Accountable To: <i>(line manager)</i>	Chief Executive
Hay Know How Score	608
Spot Salary	

<p>1. Key Purpose of Job</p> <p>1.1. To lead, develop and ensure implementation of policy and strategy on all matters relating to Children’s Services, in accordance with the Children Act 2004 and any prevailing education legislation</p> <p>1.2. To be the lead professional advisor on Children’s services for the council, providing advice to Members, the Chief Executive and senior managers</p> <p>1.3. To provide strategic leadership with a unified, corporate approach and shared ownership of the overall direction and issues affecting the organisation as a whole.</p> <p>1.4. Professional responsibility and accountability for the effectiveness, availability and value for money of the organisations children’s services.</p> <p>1.5. To lead the strategic commissioning of relevant services for children and ensure the needs of children are represented corporately.</p> <p>1.6. To lead the strategic commissioning of other relevant services and corporate projects.</p>

<p>2. Anticipated Outcomes of Post</p> <p>2.1. A clear sense of direction to agreed goals and targets within a corporate approach. Ensuring that there is a clear strategy for improving outcomes for all children and young people.</p> <p>2.2. Effective and efficient partnerships with a wide variety of organisations in the public, private and voluntary and community sectors, who also provide children’s services in order to focus resources jointly on improving outcomes for children and young people, particularly in safeguarding and promoting the welfare of children.</p> <p>2.3. Corporate solutions solving problems and service delivery.</p> <p>2.4. Delivery of corporate projects to agreed outcomes.</p> <p>2.5. Evidence-based policy proposals that are inclusive and needs-led.</p> <p>2.6. Customers/stakeholders are involved in commissioning of services.</p>

2.7. A positive working environment

- Value for money from commissioned services (internal and external):
- Joint accountability for budget delivery
- Robust contractual and contract management
- Appropriate benchmarking
- Financial and legal compliance
- Commercial & business culture
- Improvements/changes delivered in tight financial constraints

2.8. Effective relationships with key stakeholders: government and government bodies, professional bodies and other organisations.

2.9. Motivated employees working in a structure that does not depend on direct line management, budgetary or other resource control.

2.10. Appropriate contribution to emergencies.

3. List Key Duties and accountabilities of the post

- 3.1. To make and sustain arrangements to promote co-operation between the authority and its partner organisations to improve the well being of children in the authority's area.
- 3.2. To make arrangements to ensure the authority's functions are discharged having regard to the need to safeguard and promote the welfare of children.
- 3.3. To establish, maintain and operate a database of basic information on all children in the authority.
- 3.4. To ensure the effectiveness of the Local Safeguarding Children Board (LSCB).
- 3.5. To prepare and publish a Children and Young People's Plan (CYPP) to set out the authority's strategy for discharging their functions in relation to children and young people.
- 3.6. Listen to and involve children, and champion their interest both across functional boundaries with the Local Authority and across local partnerships, so ensuring that the needs of children, young people and their families or carers are addressed.

4. Accountability - Budget

- 4.1. Prime net budget of approximately £21.7m
- 4.2. Commissioned out budget of approximately £6.5m

- 4.3. Influence over the Council's full budget of circa £1.26m
- 4.4. Current DSG of approximately £73m, although this post has no direct control over this budget.

5. Other Duties

- 5.1. To deputise for the Chief Executive in their absence where necessary.
- 5.2. To undertake additional duties as required, commensurate with the level of the job.

Other Information

- a) All staff must commit to Equal Opportunities and Anti-Discriminatory Practice.
- b) The Council operates a Smoke-Free Policy and the post-holder is prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. The Council does not permit smoking breaks within work time, however, in services where the flexi-scheme is in operation, employees may take reasonable break times outside of core hours, in accordance with flexi-time arrangements. Employees should follow the flexi-scheme procedure for agreeing time away from their duties in the normal manner with their immediate colleagues and line manager, with break start and finish times being recorded, as with any other break-time arrangement.
- c) The post-holder is expected to familiarise themselves with and adhere to all relevant Council Policies and Procedures.
- d) The post-holder must comply with the Council's Health and Safety requirements as outlined in the H&S policy appropriate to the role.
- e) This post is based at [insert a location] but the post holder may be required to move their base to any other location within the Council at a future date.
- f) As this post meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who are offered employment will be subject to a criminal record check (Disclosure) from the Criminal Records Bureau before the appointment is confirmed. This will include details of ALL cautions, reprimands or final warnings as well as convictions, whether "spent" or "unspent". Criminal convictions will only be taken into account when they are relevant to the post.
- g) Torbay Council is committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo the checks appropriate to the post applied for.

Note for Candidate

All Candidates

The supporting statement on your application form will be used to assess ability to meet the essential requirements of the role, so you should explain how you meet each of the numbered essential requirements within your supporting statement.

In a competitive situation, the desirable criteria may be taken into consideration, so you are encouraged to show how you also meet each of the desirable criteria.

Candidates who consider that they have a disability

Reasonable adjustments will be made to the job, job requirements or recruitment process for candidates with a disability.

If you consider yourself to have a disability you should indicate this on your application form, providing any information you would like us to take into account with regard to your disability in order to offer a fair selection interview.

Where ever possible and reasonable we will make adjustments and offer alternatives to help you through the application and selection process.

If you have indicated that you have a disability on your application form you will be guaranteed an interview if you clearly demonstrate in your supporting evidence how you broadly meet the essential requirements of the role.



Person Specification

Job Title:	Director of Children's Services	Business Unit:	Children's Services
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Essential Skills and Effectiveness:	Desirable Skills and Effectiveness:
<ol style="list-style-type: none"> 1. Ability to build consensus, persuade, negotiate and influence without direct line management or control of resources. 2. To innovate, design and implement. 3. Ability to make balanced judgements between competing objectives and priorities. 4. Excellent communication and presentation skills. 5. Ability to use effectively a number of different leadership styles 6. Ability to handle conflict and manage sensitive issues to achieve positive outcomes. 7. Ability to create an environment of trust, fairness and openness. 8. Ability to develop purposeful partnerships and relationships with key stakeholders. 9. Significant involvement in preparing, managing and controlling substantial budgets. 	This section is currently empty

Essential Knowledge:	Desirable_Knowledge:
<ol style="list-style-type: none"> 1. A detailed understanding of the role of Children's Services and the issues and priorities in the area. 2. Evidence of continuing professional development to demonstrate up to date knowledge and understanding of the legislation and its practical application pertaining to education and the wider field of Children's services. 3. 	
Essential Experience/Achievements:	Desirable Experience/Achievements:
<ol style="list-style-type: none"> 1. Experience at a senior managerial level of successfully managing significant Children's Services/Education initiatives. 2. Successful programme/project delivery 3. Operating successfully in a senior management level in a dynamic and complex environment. 4. Experience of developing cross-sector partnerships working both as a contributor and in a leadership role. 	
Essential Qualifications/Professional Memberships:	Desirable Qualifications/Professional Memberships:
<ol style="list-style-type: none"> 5. A relevant qualification to degree level (or equivalent) 	<ol style="list-style-type: none"> 1. Professional Management qualification

Essential – Other requirements of the job role

- Ability to travel efficiently around the Bay/South West and wider area in order to carry out duties
- Ability to participate in the Council's performance management process
- Ability to accommodate on-call working
- Ability to accommodate occasional home-working

Job Description

Job Title:	Director of Adults & Resources
Directorate	Adults Services
Responsible To: (<i>day to day issues</i>)	Chief Executive
Accountable To: (<i>line manager</i>)	Chief Executive
Hay Know How Score	608
Spot Salary	

6. Key Purpose of Job

- 6.1. To provide strategic leadership with a unified, corporate approach and shared ownership of the overall direction and issues affecting the organisation as a whole.
- 6.2. Professional responsibility and accountability for the effectiveness, availability and value for money of Adult's Services
- 6.3. To provide Commissioning and contract management and to manage the relationships between Providers, the Council and other stakeholders, alongside the statutory requirements of the role.
- 6.4. To commission the Supporting People Service
- 6.5. To lead the strategic commissioning of relevant services for adults and ensure the needs of adults are represented corporately.
- 6.6. To lead the strategic commissioning of other relevant services and corporate projects.
- 6.7. To commission operational services as directed by the Chief Executive.

7. Anticipated Outcomes of Post

- 7.1. A clear sense of direction to agreed goals and targets within a corporate approach. Ensuring that commissioned services provide outcomes for vulnerable adults.
- 7.2. To ensure that commissioning arrangements provide effective and efficient partnerships to ensure improved outcomes for adults, particularly in safeguarding and promoting the welfare of vulnerable adults.
- 7.3. Corporate solutions solving problems and service delivery.
- 7.4. Delivery of corporate projects to agreed outcomes.
- 7.5. Evidence-based policy proposals that are inclusive and needs-led.
- 7.6. Customers/stakeholders are involved in commissioning of services.
- 7.7. A positive working environment
 - Value for money from commissioned services (internal and external):

- Joint accountability for budget delivery
- Robust contractual and contract management
- Appropriate benchmarking
- Financial and legal compliance
- Commercial & business culture
- Improvements/changes delivered in tight financial constraints

7.8. Effective relationships with key stakeholders: government and government bodies, professional bodies and other organisations.

7.9. Motivated employees working in a structure that does not depend on direct line management, budgetary or other resource control.

7.10. Appropriate contribution to emergencies.

8. List Key Duties and accountabilities of the post

Responsible for the Statutory functions of Director of Adults Services, summarised as:

- 8.1. Accountability for assessing local needs and ensuring availability and delivery of a full range of local authority services;
- 8.2. Professional leadership, including workforce planning;
- 8.3. Leading the implementation of standards;
- 8.4. Managing cultural change;
- 8.5. Promoting local assess and partnership working;
- 8.6. Delivering an integrated approach to supporting communities; and
- 8.7. Promoting social inclusion and wellbeing

NOTE: Adult social care is a commissioned service and therefore some of the statutory functions are led by the Chief Executive of the Care Trust.

9. Accountability - Budget

- 9.1. Fully commissioned net budget of approximately £42m
- 9.2. Influence over the Council's full budget of circa £1.26m

10. Other Duties

- 10.1. To deputise for the Chief Executive in their absence where necessary.
- 10.2. To undertake additional duties as required, commensurate with the level of the job.

Other Information

- h) All staff must commit to Equal Opportunities and Anti-Discriminatory Practice.
- i) The Council operates a Smoke-Free Policy and the post-holder is prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. The Council does not permit smoking breaks within work time, however, in services where the flexi-scheme is in operation, employees may take reasonable break times outside of core hours, in accordance with flexi-time arrangements. Employees should follow the flexi-scheme procedure for agreeing time away from their duties in the normal manner with their immediate colleagues and line manager, with break start and finish times being recorded, as with any other break-time arrangement.
- j) The post-holder is expected to familiarise themselves with and adhere to all relevant Council Policies and Procedures.
- k) The post-holder must comply with the Council's Health and Safety requirements as outlined in the H&S policy appropriate to the role.
- l) This post is based at [insert a location] but the post holder may be required to move their base to any other location within the Council at a future date.
- m) As this post meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who are offered employment will be subject to a criminal record check (Disclosure) from the Criminal Records Bureau before the appointment is confirmed. This will include details of ALL cautions, reprimands or final warnings as well as convictions, whether "spent" or "unspent". Criminal convictions will only be taken into account when they are relevant to the post.
- n) Torbay Council is committed to safeguarding and promoting the welfare of children and vulnerable adults and applicants must be willing to undergo the checks appropriate to the post applied for.

Note for Candidate

All Candidates

The supporting statement on your application form will be used to assess ability to meet the essential requirements of the role, so you should explain how you meet each of the numbered essential requirements within your supporting statement.

In a competitive situation, the desirable criteria may be taken into consideration, so you are encouraged to show how you also meet each of the desirable criteria.

Candidates who consider that they have a disability

Reasonable adjustments will be made to the job, job requirements or recruitment process for candidates with a disability.

If you consider yourself to have a disability you should indicate this on your application form, providing any information you would like us to take into account with regard to your disability in order to offer a fair selection interview.

Where ever possible and reasonable we will make adjustments and offer alternatives to help you through the application and selection process.

If you have indicated that you have a disability on your application form you will be guaranteed an interview if you clearly demonstrate in your supporting evidence how you broadly meet the essential requirements of the role.

Job Title:	Director of Adult Services	Business Unit:	Adult Services
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Essential Skills and Effectiveness:	Desirable Skills and Effectiveness:
<p>10. Ability to build consensus, persuade, negotiate and influence without direct line management or control of resources.</p> <p>11. To innovate, design and implement.</p> <p>12. Ability to make balanced judgements between competing objectives and priorities.</p> <p>13. Excellent communication and presentation skills</p> <p>14. Ability to use effectively a number of different leadership styles</p> <p>15. Ability to handle conflict and manage sensitive issues to achieve positive outcomes.</p> <p>16. Ability to create an environment of trust, fairness and openness.</p> <p>17. Ability to develop purposeful partnerships and relationships with key stakeholders.</p> <p>18. Significant involvement in preparing, managing and controlling substantial budgets.</p> <p>19. Proven contract management experience for a range of services.</p>	

Essential Knowledge:	Desirable_Knowledge:
<ul style="list-style-type: none"> 4. A thorough understanding of the issues and priorities of the service area. 5. Commitment to continued personal and professional development 	<ul style="list-style-type: none"> 2. Understanding of NHS working arrangements including the commissioning of health provision
Essential Experience/Achievements:	Desirable Experience/Achievements:
<ul style="list-style-type: none"> 1. In depth experience at a senior management level of successfully managing a range of commissioned services. 2. Successful programme/project delivery 3. Operating successfully in a senior management level in a dynamic and complex environment. 4. Experience of developing cross-sector partnerships working both as a contributor and in a leadership role. 	
Essential Qualifications/Professional Memberships:	Desirable Qualifications/Professional Memberships:
A relevant qualification to degree level (or equivalent)	3. Professional Management qualification

Essential – Other requirements of the job role

- Ability to travel efficiently around the Bay/South West and wider area in order to carry out duties
- Ability to participate in the Council's performance management process
- Ability to accommodate on-call working
- Ability to accommodate occasional home-working

Job Description

Job Title:	Director of Place & Resources
Directorate	Place & Resources
Responsible To: (<i>day to day issues</i>)	Chief Executive
Accountable To: (<i>line manager</i>)	Chief Executive
Hay Know How Score	608
Spot Salary	

11. Key Purpose of Job

- 11.1. To provide strategic leadership with a unified, corporate approach and shared ownership of the overall direction and issues affecting the organisation as a whole.
- 11.2. Professional responsibility and accountability for the effectiveness, availability and value for money of the organisations resources.
- 11.3. Commission and contract/relationship management of all Place functions: Torbay Development Agency (TDA), Harbours, Residents and Visitor Services, Spatial Planning – services that impact on every individual in the Bay.
- 11.4. To commission operational services as directed by the Chief Executive.
- 11.5. To lead the strategic commissioning of other relevant services and corporate projects.

12. Anticipated Outcomes of Post

- 12.1. A clear sense of direction to agreed goals and targets within a corporate approach, taking into account the Government's agenda particularly in relation to the funding model based around growth.
- 12.2. Corporate solutions solving problems and service delivery.
- 12.3. Effective and efficient partnership arrangements.
- 12.4. Delivery of corporate projects to agreed outcomes.
- 12.5. Evidence-based policy proposals that are inclusive and needs-led.
- 12.6. Customers/stakeholders are involved in commissioning of services.
- 12.7. A positive working environment
 - Value for money from commissioned services (internal and external):
 - Joint accountability for budget delivery
 - Robust contractual and contract management

- Appropriate benchmarking
- Financial and legal compliance
- Commercial & business culture
- Improvements/changes delivered in tight financial constraints

12.8. Effective relationships with key stakeholders: government and government bodies, professional bodies and other organisations.

12.9. Motivated employees working in a structure that does not depend on direct line management, budgetary or other resource control.

12.10. Appropriate contribution to emergencies.

13. List Key Duties and accountabilities of the post

13.1. To ensure that Place-based universal services are commissioned to agreed outcomes.

13.2. To implement new forms of service delivery as necessary.

13.3. To innovative financial and other strategies that provide a framework for investment and procurement of services, taking into account the Council's strategic appetite for risk.

14. Accountability - Budget

14.1. Prime net budget of approximately £40m

14.2. Commissioned out budget of approximately £11.5m

14.3. Influence over the Council's full budget of circa £1.26m

15. Other Duties

5.1 To undertake additional duties as required, commensurate with the level of the job.

5.2 To deputise for the Chief Executive in their absence where necessary.

Other Information

- o) All staff must commit to Equal Opportunities and Anti-Discriminatory Practice.
- p) The Council operates a Smoke-Free Policy and the post-holder is prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. The Council does not permit smoking breaks within work time, however, in services where the flexi-scheme is in operation, employees may take reasonable break times outside of core hours, in accordance with flexi-time arrangements. Employees should follow the flexi-scheme procedure for agreeing time away from their duties in the normal manner with their immediate colleagues and line manager, with break start and finish times being recorded, as with any other break-time arrangement.
- q) The post-holder is expected to familiarise themselves with and adhere to all relevant Council Policies and Procedures.
- r) The post-holder must comply with the Council's Health and Safety requirements as outlined in the H&S policy appropriate to the role.
- s) This post is based at Town Hall but the post holder may be required to move their base to any other location within the Council at a future date.
- f) You will be asked to complete a Criminal Records Self Declaration Form. Criminal convictions will only be taken into account when they are relevant to the post. You will only be asked to disclose 'unspent' convictions

Note for Candidate

All Candidates

The supporting statement on your application form will be used to assess ability to meet the essential requirements of the role, so you should explain how you meet each of the numbered essential requirements within your supporting statement.

In a competitive situation, the desirable criteria may be taken into consideration, so you are encouraged to show how you also meet each of the desirable criteria.

Candidates who consider that they have a disability

Reasonable adjustments will be made to the job, job requirements or recruitment process for candidates with a disability.

If you consider yourself to have a disability you should indicate this on your application form, providing any information you would like us to take into account with regard to your disability in order to offer a fair selection interview.

Where ever possible and reasonable we will make adjustments and offer alternatives to help you through the application and selection process.

If you have indicated that you have a disability on your application form you will be guaranteed an interview if you clearly demonstrate in your supporting evidence how you broadly meet the essential requirements of the role.



Person Specification

Job Title:	Director of Place & Resources	Business Unit:	Place & Resources
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Essential Skills and Effectiveness:	Desirable Skills and Effectiveness:
<p>20. Ability to build consensus, persuade, negotiate and influence without direct line management or control of resources.</p> <p>21. To innovate, design and implement.</p> <p>22. Ability to make balanced judgements between competing objectives and priorities.</p> <p>23. Excellent communication and presentation skills.</p> <p>24. Ability to use effectively a number of different leadership styles</p> <p>25. Ability to handle conflict and manage sensitive issues to achieve positive outcomes.</p> <p>26. Ability to create an environment of trust, fairness and openness.</p> <p>27. Ability to develop purposeful partnerships and relationships with key stakeholders.</p> <p>28. Significant involvement in preparing, managing and controlling substantial budgets.</p>	

Essential Knowledge:	Desirable_Knowledge:
<p>6. A thorough understanding of the issues and priorities of the relevant service area</p> <p>7. Commitment to continued personal and professional development</p>	
Essential Experience/Achievements:	Desirable Experience/Achievements:
<p>8. In depth experience at a senior management level of successfully managing a range of functions and services.</p> <p>9. Successful programme/project delivery</p> <p>10. Operating successfully in a senior management level in a dynamic and complex environment.</p> <p>11. Experience of developing cross-sector partnerships working both as a contributor and in a leadership role.</p>	
Essential Qualifications/Professional Memberships:	Desirable Qualifications/Professional Memberships:
<p>12. A relevant qualification to degree level (or equivalent)</p>	<p>4. Professional Management qualification.</p>

Essential – Other requirements of the job role

- Ability to travel efficiently around the Bay/South West and wider area in order to carry out duties
- Ability to participate in the Council's performance management process
- Ability to accommodate on-call working
- Ability to accommodate occasional home-working

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6

**TORBAY COUNCIL
STATEMENT OF WRITTEN TERMS AND CONDITIONS OF EMPLOYMENT
FOR CHIEF OFFICERS**

In accordance with the Employment Rights Act 1996

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207366

Employer:

Employee:

Job Title:

Commissioning Function:

Place of Work:

Note: You may be required to be based at or work from any location within the Council's boundaries. If you are required to change your work base there will be no recompense available to you. Similarly, you may be redeployed to work in an alternative job role commensurate with your current grade and level of skill/experience elsewhere within the organisation. This may be temporarily to provide service cover or as a permanent variation (as an alternative to redundancy).

Date of commencement in this job

Date Written Particulars issued:

1. PAY

Hay Know How Score

Annual Spot Salary

2. CONTINUOUS SERVICE

2 (i) Continuous Service for Employment Rights

Date of commencement of continuous service with Torbay Council (for statutory employment rights):

[This date includes any service transferred by Statutory Transfer Order or Transfer of Undertakings (Protection of Employment) Regulations to Torbay Council].

2 (ii) Continuous Local Government Service for Other Purposes

Previous service with an organisation covered by the Redundancy Payments (Continuity of Employment in Local government, etc)(Modification) Order 1999 which includes local authorities and certain other public bodies, can count in calculating any entitlement to a redundancy payment and for certain contractual purposes including sickness allowances, annual leave and maternity leave.

Date of commencement of continuous local government service:

Note: If you have more than one contract of employment with Torbay Council, the dates of commencement shown above apply to this job only. Dates of commencement of continuous service as they apply to other contracts will be shown on the statement of terms and conditions relevant to each job.

3. HOURS OF WORK

The standard weekly hours for full (whole) time working, excluding meals and other breaks, are 37.

You will be expected to carry out your duties during such hours as may reasonably be necessary in order to meet the needs of the Council's business, which may require you to work reasonable additional hours in excess of the normal working week from time to time. However, where possible, you should ensure that your working week does not exceed an average of 48 hours.

3 (i) Working Pattern

Your employment is:

The normal days and hours in the week which you are initially contracted to work are indicated below. These may be varied in the future after discussion with the Chief Executive:

Monday; Tuesday; Wednesday; Thursday; Friday;

4. HOLIDAYS

4 (i) Annual Leave

Basic annual leave entitlement for employees is based upon the permanent full time equivalent of 37 hours per week. For employees who work part time or for part of the year, the annual leave entitlement is the pro-rata equivalent of the full-time entitlement; full details will be given on joining the Council.

A further one day's leave is given after 10 years continuous local government service and this accrues at the start of the leave year in which your 10th year of service occurs.

Your annual leave entitlement is 33 days.

The annual leave year runs from 1st April to 31st March. Up to 4 days annual leave may be carried forward from one leave year to the next. Any leave carried forward should be taken by 31st May. The Chief Executive may approve the carrying forward of more than 4 days' leave in exceptional circumstances.

Employees starting or leaving the employment of Torbay Council are entitled to leave proportionate to the number of completed days of service during the current leave year. On leaving the Council, it is advisable for any outstanding annual leave to be taken where possible within the notice period, however, payment will be made in lieu for any outstanding leave which has not been taken upon termination of employment. At the end of your employment with Torbay Council, payment is deducted for leave taken in excess of entitlement. In the event that your employment is terminated for gross misconduct reasons, you will be entitled to payment of accrued but untaken annual leave in accordance with the statutory annual leave provision, prescribed under the Working Time Regulations 1998.

4 (ii) Public Holidays

In addition to your contractual leave, you are also entitled to paid public holiday entitlement.

Part-time employees will have a pro-rata entitlement which is calculated on the basis of one-fifth of their weekly contract hours.

If you are required to work on a public holiday, you will be entitled to time off in lieu in accordance with the local arrangements for your employee group.

5. ABSENCE FROM WORK

The Council has a policy on absence from work, but in summary, employees are required to notify their line manager/supervisor of absence due to sickness or injury at the earliest opportunity and to declare the reason for non-attendance at work on a self-certification form. If the absence continues beyond seven consecutive days, the employee must submit a medical certificate from their doctor. Further medical certificates must be submitted at intervals thereafter covering the period of absence.

6. SICKNESS ALLOWANCE

[For employees without continuous LG service only] During your six month probationary period, you will be eligible to receive SSP (Statutory Sick Pay) only. SSP is not paid for the first 3 days of any absence. Following successful completion of your probation and provided you comply with the policy on sickness absence reporting, you will be covered by the Sickness Scheme set out in the National Agreement, below.

[For employees with continuous LG service only] Provided you comply with the policy on sickness absence reporting, you will be covered by the Sickness Scheme set out in the National Agreement, below.

Sickness allowances are as follows:

Length of Continuous Local Government Service	Allowance at Full Pay can be up to:	Allowance at Half Pay can be up to:
During 1st year	1 month	2 months
During 2nd year	2 months	2 months
During 3rd year	4 months	4 months
During 4th year	5 months	5 months
During 5th year	5 months	5 months
After 5 years	6 months	6 months

Where there is medical evidence that an employee is no longer capable of fulfilling the requirements of the job, Torbay Council reserves the right to terminate employment before sickness allowances have been exhausted.

An employee shall, if required by the Council at any time, submit to a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

Third Party Negligence

If the absence of an employee is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, the employee shall advise the Council forthwith and it shall be open to the Council to require the employee to refund a sum equal to the aggregate of sick pay paid to them during the period of absence or such part thereof as is deemed appropriate, but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the Council will require full details and will determine the actual proportion of sick pay to be refunded.

7. NOTICE PERIOD

During any period of probation, you will be eligible to statutory notice, i.e. 1 weeks' notice, should the Council terminate your employment. Following notification of successfully completing your probation, if you wish to terminate your contract of employment, you will be required to give the Council **3 calendar months** notice. Similarly, if the Council wishes to terminate your employment, it will provide you with 3 calendar months notice.

Notice by either side must always be confirmed in writing. If you are summarily dismissed for gross misconduct, you will not be entitled to notice or pay in lieu of notice. Payment in lieu of accrued but untaken statutory annual leave only will be made to the employee (and where appropriate a deduction

will be made from salary) in the event of termination of employment for gross misconduct reasons. Statutory annual leave is that provided for under the Working Time Regulations 1998.

Torbay Council reserves the right to make a payment in lieu of notice for all or any part of your notice period upon the termination of your employment (rather than you working out your notice period). This provision, which is at the Council's discretion, applies whether notice to terminate the contract is given by you or by the Council.

PAYMENT OF NOTICE FOR DISMISSAL ON GROUNDS OF MEDICAL INCAPABILITY AND RETIREMENT ON GROUNDS OF PERMANENT ILL HEALTH

During the notice period, employees whose contractual notice period is the same or less than the statutory notice by 1 week, are entitled to be paid full pay during their notice period. Employees whose contractual notice is greater than the statutory notice, are not entitled to full pay during their notice pay and will receive SSP (or if they have exhausted SSP, they will not be entitled to any pay).

The managing attendance policy should be referred to for a more detailed summary of these entitlements.

8. GENERAL CONDITIONS OF SERVICE

During your employment with the Council your terms and conditions of employment will be in accordance with:

8 (i) The Collective Agreement which is negotiated from time to time by the national employers and the trade unions known as the Joint Negotiating Committee for Chief Officers of Local Authorities. The National Agreement is set out in a handbook known as the 'Chief Officer's Handbook'. Copies are available in Human Resources.

The 'Chief Officer's Handbook' National Agreement has no effect on existing local agreements which were previously locally determined, such agreements will continue to be reviewed and amended through the local negotiating arrangements.

8 (ii) Collective agreements negotiated and agreed with trade unions recognised by the Council.

8 (iii) From time to time, other general terms and conditions determined by decisions of Torbay Council.

8 (iv) From time to time, other variations in terms and conditions of employment resulting from negotiation, agreement and/or consultation with a specified union or unions.

8 (v) Employment Policies and Procedures available on the Human Resources intranet site.

Contract Variation

Changes to terms and conditions of employment may be varied without your consent if such terms are imposed by statute and/or where changes have been agreed with the relevant trade unions, as above. Any other proposed changes will be notified to you and a reasonable period of consultation entered into or otherwise incorporated in documents to which reference can be made. We reserve the right to vary the contract of employment thereafter if the changes are deemed reasonable and necessary for an operational or other substantial reason. The full range of Employment Policies and Procedures are available on the Council's Human Resources Intranet site.

Overpayments

The Council reserves the right to require you to repay, either by deduction from salary or any other method acceptable to the Council:

- Any amounts of remuneration, expenses or any other payments (statutory, discretionary, etc) which are overpaid to you whether made by mistake or through any misrepresentation or otherwise;
- (on termination of employment) any holiday pay paid to you in respect of holiday granted in excess of your accrued entitlement; and
- any other sums owed to the Council by you, including, but not limited to, outstanding loans or advances, any associated training/course fees or relocation expenses.

9. PAY ARRANGEMENTS

9 (i) Spot Salary

You are on a spot salary which has been determined by the Hay Evaluation process. Your spot salary corresponds to the Know-How score for your post.

9 (ii) Annual Pay Review

Pay arrangements are reviewed each year as part of the Chief Officers National Negotiating process and will take effect annually at 1st April.

9 (iii) Overtime

This is not applicable to your employee group.

10. MATERNITY / ADOPTION / MATERNITY SUPPORT PROVISIONS

Provisions for Maternity, Adoption or Maternity Support for employees are set out in the 'Chief Officer's Handbook' and within the employment policies and procedures contained on the Human Resources intranet site.

11. PENSION

You have the right to join the Local Government Pension Scheme. Information on the Scheme is provided on appointment. A certificate is in force for the Local Government Pension Scheme to be contracted out of the State Earnings Related Pension Scheme.

12. RETIREMENT

12.1 The normal retirement age for all employees is 65.

12.2 The Council will notify you of your proposed retirement at least 6 months and no more than 12 months before that date. You will be fully informed of your rights and entitlements at that time, including the right to request to continue working beyond this date.

13. DISCIPLINARY, CAPABILITY AND GRIEVANCE PROCEDURES

Details of the Disciplinary, Capability and Grievance Procedures, which are applicable to you, are contained on the Council's HR Intranet site. You should familiarise yourself with these procedures on joining the Council.

14. REDUNDANCY PAYMENTS

Entitlement to a redundancy payment is calculated in accordance with the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 with reference to the Employment Rights Act 1996. Any additional redundancy compensation payments which may be payable are governed by regulations laid down in Acts of Parliament current at the time.

15. CONDUCT, BEHAVIOUR AND APPEARANCE

As a Local Government employee you are expected to demonstrate the highest level of integrity and professionalism. You will be expected to maintain conduct of the highest standard, such that public confidence in your integrity is sustained.

When communicating with the public, whether direct or by telephone, a high standard of personal behaviour is essential. You must remember that to any member of the public, you represent Torbay Council, and accordingly you must exercise impeccable standards of courtesy at all times.

Your standard of dress must also be in keeping with the proper conduct of business and present a tidy, efficient appearance to the public. You should remain aware that standards of dress can affect people's impression of the Council's performance. You are expected to wear any uniform supplied whilst at work and to maintain high standards of personal cleanliness and hygiene.

It is a condition of your employment in this post that you must disclose any pending criminal proceedings for which you have been formally charged, any criminal conviction, caution, reprimand, bind-over or final warning received during the course of your employment. Failure to do so may result in disciplinary action being taken against you, as may the nature of the offence (depending upon its impact on your work) and this may result in your dismissal from Torbay Council's employment.

You should never put yourself into a situation where your private interests conflict with your official duty as a Local Government employee. Where there may be conflict, you must notify your line manager. If at any time you are considering taking-up additional paid employment, express consent should first be sought from your Chief Executive. This is to ensure that your official Local Government duties are not compromised in any way and also to ensure that your working hours are in accordance with the Working Time Regulations (1998) weekly working hours limit, i.e. 48 hours per week.

15 (i) Code of Conduct

The Council has adopted a Code of Conduct. A Guide to the Code and other related documents is available from the Human Resources intranet page. Failure to comply with the Code may lead to disciplinary action.

The Code of Conduct outlines rules concerning:

- (a) Behaviour and respect for others
- (b) Confidentiality
- (c) Abuse of power
- (d) Disclosure of 'Personal Interests', 'Personal Prejudicial Interests' and 'Pecuniary' (Financial) Interests that may affect decisions
- (e) Prohibition of Fees or Rewards
- (f) Limitations on the Acceptance of Gifts and Hospitality and
- (g) Registration of Interests by Employees Holding Politically Restricted Posts and by Employees who negotiate and/or let Council Contracts

All employees must observe the Code of Conduct whenever they:

- (a) Act on behalf of, or in the name of, Torbay Council
- (b) Perform their work as an employee of the Council, or
- (c) Act as a representative of the Council

All employees must observe the Code of Conduct and familiarise themselves with it on joining the Council.

16. POLITICALLY RESTRICTED POSTS

Your post is designated as 'Politically Restricted' under the Local Government and Housing Act 1989 (part one) if you are:

- (a) regularly giving advice to Councillors in formal meetings; or
- (b) regularly speaking to the press or other news media on behalf of the Council; or
- (c) a Group Assistant supporting a political group.

Under the Act, the restriction prevents any occupier of such a post from:

- (a) becoming a member of a County or District Council, the House of Commons or the European Parliament
- (b) holding office in a political party
- (c) canvassing on behalf of a political party
- (d) speaking or writing publicly on matters of party political controversy.

16 (i) Registration of Interests

If you are in a politically restricted post or you negotiate and/or let contracts on behalf of the Council you will be required to register in writing to the Chief Executive your financial and other interests. You will not be required to disclose "sensitive personal data". **You will have included in your letter of appointment a copy of the Guide to the Code of Conduct for Employees and a Register of Employee's Financial and Other Interests Form which must be completed and returned within 28 days.**

17. MEMBERSHIP OF A TRADE UNION

Torbay Council supports the principle of collective bargaining. In this way, good employee relations are established and maintained; problems avoided and resolved, and pay arrangements and conditions of service negotiated. Employees are therefore encouraged to join any trade union represented on the National Council for their employee group to ensure that the employees' organisations are fully representative.

18. HEALTH AND SAFETY

The Council places great importance on the health, safety and welfare of its employees at work. You must therefore read the Health and Safety Policy which is contained in the Health and Safety Manual, available from the Council's Intranet.

You should also familiarise yourself with the following Council policies which contain important information relating to Health and Safety and your personal responsibilities:- Misuse of Drugs and

Alcohol, Smokefree Environment, Induction, Driver's Handbook and the Code of Conduct. These policies are available from the Human Resources intranet page or via your manager, all employees are expected to comply. You must also complete the on-line Health and Safety course, which is a mandatory part of your Induction and any ongoing Health and Safety training required as part of your job role.

If you use your own vehicle for council business you must ensure that your insurance policy covers you for business use. You should also have a valid vehicle licence in place for inspection.

19. DATA PROTECTION

Torbay Council must hold and process personal data relating to its employees in order to fulfill its various statutory reporting and other obligations as an employer. It may also hold employee data for various other purposes such as, but not limited to, training and development; management planning and monitoring of, for example, absence records, ethnicity, gender and disability.

The following are types of information that the Council holds about its employees, both during and after employment:

- (a) photographs
- (b) work contact details such as telephone number, email address
- (c) financial information relating to pay and pensions
- (d) information relating to qualifications and/ or previous employment
- (e) information relating to employment at the Council, such as disciplinary, grievance, appraisal records
- (f) information on ethnic origin, gender, and disability of individuals
- (g) information relating to criminal convictions

Please note, that unless there is good reason to the contrary, Torbay Council may wish to put employee work contact and professional details on the Internet so that, for example, members of the public can contact a named individual where necessary for the provision of services.

Torbay Council will ensure it complies with the provisions of the UK Data Protection Act, 1998 in respect of processing all 'personal data', including that relating to its employees. This means that any personal data and/ or information – whether in paper or electronic formats – will:

- (a) only be processed in accordance with the Council's Data Protection Notification, and in accordance with applicable law
- (b) only be processed (including collected and shared) as necessary and for a particular purpose/s
- (c) be kept up to date and accurate
- (d) be made accessible to the individual the personal data relates to (with some limited exemptions)

Torbay Council will, where necessary and/ or required by legislation:

- (a) inform the individuals that processing of their personal data is taking place at the point of collection of the data, or as soon as possible after collection
- (b) explain clearly and in a timely manner the reasons for that processing
- (c) take into consideration the request from an individual to stop processing and/ or destroy his/her personal data

Torbay Council employee records will be kept for as long as necessary to fulfill the Council's statutory obligations and/ or operational requirements, and in accordance with the Council's Records Retention Schedule.

Every employee has a duty to ensure that s/he complies with the provisions of the UK Data Protection Act, 1998, other applicable legislation and any internal specific and related policies and procedures, for example those relating to Data Quality. Details are available on the Council's Intranet site, or from your line manager.

It is a condition of your employment with Torbay Council that you will treat any personal data to which you have access to in accordance with the legislation and any relevant Council policies and procedures. In particular, you will not use, copy or disclose any such data other than in connection with, and to the extent necessary for, the purposes of your period of employment with Torbay Council. Any infringement of this may result in the Council's Disciplinary policy being invoked against you.

20. INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights refers to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property rights throughout the world, applications for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered.

You may make or create intellectual property rights in the course of your employment and as such, you have a special obligation to further the interest of the Council's business in this respect.

Where you make or create any intellectual property rights that may be of benefit to the Council, you shall inform your Chief Executive in writing and such rights shall be owned absolutely by the Council so far as the law allows. You shall enter into all documents and do all things necessary to ensure such ownership. You will waive all moral rights therein (i.e. you will not have the right to be identified as the "author" of the piece of work).

21. COMPUTER SECURITY POLICY

The Council has adopted a computer security policy relating to the general use of IT; email and internet facilities provided for employees. This policy is available on the Intranet and you must familiarise yourself with the arrangements set out in this policy. You are required to comply with the provisions of this policy as a condition of your employment. Your usage of the Council's IT facilities may be monitored in accordance with the arrangements set out in the policy.

Breaches of the Computer Security Policy may lead to disciplinary action being taken.

22. NO SMOKING

The Council operates a Smoke-Free Policy and employees are prohibited from smoking in any of the Council's buildings (including Council owned and Council leased buildings, but excluding designated areas in residential schemes), enclosed spaces within the curtilage of buildings, and Council vehicles. Staff will not be released for a break that is specifically for smoking.

Review of the proposed new Director roles – September 2011

Panel: Julia Baldie, Alison Lambert

Brief: To evaluate three new proposed posts for the Senior Leadership Team, replacing Commissioners.

Evaluation Levels

The evaluations for the three proposed roles are given below:

Director of Children's Services

F+ III 3 **608** F+ 4 (57%) **350** F+ 3 P **460** **1418** A2

The evaluation reflects the role's high accountability for managing the Council's children related functions, including Education and working with partner organisations, particularly health. The direct prime net budget for this role is approximately £21.7m. The evaluation has not taken into account the budget for schools, as this is not considered to be of prime responsibility.

This post carries with it the need to provide high levels of leadership as well as knowledge of the function in order for it to be able to achieve the improvements that are necessary following inspection.

Director of Place and Resources

F+ III 3 **608** F+ 4 (57%) **350** F+ 3 P **460** **1418** A2

The evaluation reflects the role's accountability for managing a very broad range of functions and corporate support functions. The role is responsible for managing commissioned services such as TOR2, TEDC and the relationship with Harbours. The direct prime net budget for this role is approximately £40m. This places it at the high end of a medium budget.

This post carries with it the entire range of support and income generating services, as well as large commissioned out services.

Director of Adult's Services

F+ III 3 **608** F+ 4 (57%) **350** F+ 3 P **460** **1418** A2

The evaluation reflects the role's high accountability and responsibility for managing the Safeguarding of vulnerable adults across Torbay. Whilst it is a fully commissioned out service, with DAS currently being accommodated by

the NHS, this role still carries the accountability and requires a professional lead. The prime net budget for this role is approximately £42m. Whilst all services are commissioned, the evaluation has taken into account that this role has control of where resources are spent and the evaluation reflects that the budget sits at the top end of a medium budget.



Public-Private Pay 'Gap'

PayNet UK Salary Tracker Sheds New Light On Public-Private Pay 'Gap'

- Operative¹ staff in public sector close pay gap on private sector
- Contrary to common belief, public sector senior managers' salaries are rising in line with their private sector counterparts
- Divide set to widen over next two years as public sector cuts hit

The public-private pay gap has been reversed at operative¹ levels, with salaries in the public sector rising by 13 per cent more than their private sector counterparts over the last decade, according to Hay Group's latest *PayNet UK Salary Tracker*.

However, Hay Group's data reveals disproportionate senior salary rises in the public sector to be a myth, with senior managers in private firms still earning significantly more than their public sector counterparts. And as Government spending cuts and calls for pay restraint begin to hit, public sector pay will plateau, whilst private salaries are set to climb.

Hay Group's *PayNet UK Salary Tracker* analyses pay and salary movements in over 600 organisations, representing over one million employees. Incumbents cover three main employee groups – Operative¹, Professional² and Senior Manager³.

Tipping the scale

Public pay at operative level has increased by 50 per cent over ten years, with staff now earning £695 more per year on average than those in private firms. In the private sector, the equivalent rise has been a 37 per cent increase, with operative salaries holding firm or decreasing since 2009, as the recession hit.

Operative staff in the public sector now earn £18,027 on average, compared to £12,035 in 2000. Private sector equivalent wages average £17,332, from £12,652 in 2000.

David Smith, reward information consultant at Hay Group, comments: "The public sector was not directly affected by the global economic downturn, unlike the private sector. But with government austerity taking hold, many employees are beginning to feel the impact of cost cutting in their wallets."

Mind the gap

Higher up the pay scale, the public-private pay gap holds true. When including bonuses, senior management in the private sector earn £57k more annually on average than their public sector counterparts – a consistent difference of over 60 per cent since 2000.

The average pay (including bonuses) for a senior manager in the public sector is £118,673, compared to £176,498 in the private sector. In terms of base salary, private sector senior managers still earn almost £24k more per year on average than the equivalent role in the public sector.

State of pay

Contrary to popular belief, for senior management in both public and private sectors, total percentage increases over the last ten years have been identical – challenging the view that public sector managers have enjoyed disproportionate wage boosts. In 2000, public sector senior managers earned £73,773 on average, compared to £108,835 in private organisations.

By 2005, this had risen by 33 per cent in both sectors, followed by a further 21 per cent increase in the last 6 years. Senior public sector managers now earn £118,673, compared to £176,498 for the equivalent role in the private sector.

David Smith comments: "Our data shows that the media furore over public pay is unfounded, with percentage rises at senior management level identical to those in the private sector.

Public sector managers should arm themselves with reliable and robust figures, particularly around the value of the total package, to help support their decisions about pay in the public domain."

What's next?

Hay Group predicts that the public-private pay gap will widen across all employee levels over the next two years.

Hay Group forecasts that pay in the private sector will rise by approximately 6 per cent. In the public sector, the equivalent role will see an increase of just 3 per cent – considerably below the current rate of inflation.

David Smith comments: "The Government's austerity programme, stuttering economic recovery and calls for restraint will all have a tangible impact on the pay divide.

"With pay restraint taking hold in the public sector and pensions set to become a less valuable benefit, we predict that the salary gap will start to widen at all levels in the next couple of years.

"In these tough times, the challenge for the public sector will be to contain costs yet still be able to attract and retain key talent."

Ends

For further information

View [PayNet UK Salary Tracker](#) for graphs showing public vs private sector pay gap, as well as key economic indicators such as CPI, RPI and Bank of England interest rates.

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Notes to Editors

The PayNet UK Salary Tracker provides salary movements across five employee levels.

For the purposes of this release the main three are mentioned only:

1-Representative employees from the Operative / Clerk level include, but are not limited to, receptionist, accounting clerk, data entry operative roles.

2-Representative employees from the Professional level include, but are not limited to, social care coordinator, accountant, engineer and highways officer.

3-The Senior Manager level represents Director level positions.

Please note the PayNet UK Salary Tracker does **not include** senior executive roles at large private and public sector organisations such as chief executive and chief financial officers.

Unless otherwise indicated, all salaries quoted represent 'Total Cash' amounts. These figures include basic salaries, regional allowances, fixed payments and short term variable payments such as bonuses that are contingent on discretion, performance or results achieved.

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