

# **Joint Personnel Committee**

## **Joint Chief Executive Appraisal Framework**

**4<sup>th</sup> October 2012**

### **Report of the Head of Transformation**

#### **Purpose of Report**

To consider and approve the proposed appraisal framework for the post of Joint Chief Executive following the implementation of joint working arrangements between South Northamptonshire Council and Cherwell District Council.

This report is public
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#### **Recommendations**

The Joint Personnel Committee is recommended to:

- (1) Approve the proposed appraisal framework for the post of Joint Chief Executive.
- (2) Delegate responsibility for implementing the Joint Chief Executive appraisal framework to the Joint Appraisal Sub Committee.
- (3) Agree that with immediate effect, the appraisal of the Joint Chief Executive be supported by an external facilitator.
- (4) Agree that an external facilitator be commissioned by use of appropriate procurement procedures, and in consultation with the Joint Chief Executive and the Leaders of each Council, for a four yearly term, to provide continuity and consistency to the process.
- (5) Agree that the costs of an external facilitator be split equally between both Councils.
- (6) Agree that the Joint Appraisal Sub Committee be made up of a total of 8 members (including the Leaders from each Council), drawn from the Joint Personnel Committee.
- (7) Agree that the Opposition Group Leaders be fully consulted upon the performance of the Joint Chief Executive as part of the appraisal process.
- (8) Agree that all members of the Joint Appraisal Sub Committee are required to have been trained in conducting appraisals prior to any involvement in the formal Joint Appraisal Sub Committee meetings.
- (9) Agree that once this appraisal framework is approved, a Joint Appraisal Sub Committee meeting be set up as soon as possible to enable a 6 month review to take place for the Joint Chief Executive for the current year.

# **Cherwell District Council and South Northamptonshire Council**

## **1. Introduction**

- 1.1 It is part of the JNC Conditions of Service for Chief Executives (2008) (attached as Appendix 1) that all Chief Executives of Local Authorities should have an annual appraisal and that responsibility for such lies with elected members. It is a contractual obligation on the part of the Chief Executive and the Council to engage in a regular process for appraisal. There is currently no specific JNC guidance for appraisals for Chief Executives' operating in a shared/joint role.
- 1.2 At the time of appointment of the Joint Chief Executive an Appraisal Sub Committee was set up to be utilised for appraisal purposes. However no policy or process was clearly outlined or agreed. The purpose of this report and the proposed framework is to ensure there is a clear process in place for both sides and to ensure that it provides clarity about roles and responsibilities, what is to be expected, and fairness for the Joint Chief Executive as an individual employee.
- 1.3 Appraisals have taken place for the Joint Chief Executive to date by using current Council members, including those of the Joint Appraisal Sub Committee, supported by the Democratic Services team, however now recognising the further complexities of managing an appraisal process for the Joint Chief Executive, and the need to operate in a wider shared environment, it is accepted by all parties that a more appropriate appraisal process is required.

## **2. Details**

### **2.1 External Facilitator**

- 2.1.1 There is currently no provision for an external facilitator to support the Joint Chief Executive's Appraisal process, although South Northamptonshire Council has previously used such arrangements. It is recommended that such arrangements be reinstated for the future as it is recognised as being helpful to the integrity of the process. It is intended that the use of an external facilitator will offer reassurance to the Joint Chief Executive and members of the Joint Appraisal Sub Committee.
- 2.1.2 It is recommended that the external facilitator be appointed on a four yearly cycle in order to provide consistency, continuity and confidence amongst all parties involved in the process.
- 2.1.3 A procurement exercise will be required to ensure that a suitable external facilitator is appointed, in agreement with the Joint Chief Executive and the Leaders of each Council.

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### **2.2 360° Degree Feedback**

2.2.1 Whilst 360° feedback is not currently used by either Council, work is currently underway to introduce this for all members of the Joint Management Team and it would be appropriate that this principle should also extend to the Joint Chief Executive. Clearly with the focus upon shared and partnership working it would be appropriate for internal and external partners to provide feedback the Joint Chief Executive as part of the appraisal process. Targets, achievements and personal development can then be truly measured and developed.

### **2.3 Composition of the Joint Appraisal Sub Committee**

2.3.1 In accordance with the JNC conditions of service for Chief Executives, the composition of the appraisal panel is a matter for each Council (and therefore in this case both Councils), as long as the members of the appraisal panel ensure at all times that they consider that the Chief Executive is employed by each Council as a whole not just by a controlling group.

2.3.2 Across Cherwell District and South Northamptonshire Councils there is currently no requirement for the Leader of either Council to be involved in the appraisal of the Joint Chief Executive, however both have been invited to attend to contribute at previous appraisal meetings; their involvement is purely at the discretion of each Leader. The composition of the appraisal panel is currently 6 members (3 from each council).

2.3.3 The appraisal process for the Joint Chief Executive is not only a contractual requirement but is also essential in ensuring the delivery of each Council' priorities for which the respective Leaders play a key role in helping to shape. It is therefore recommended that both Leaders form an integral part of the process for appraising the Joint Chief Executive, and to that end are included in the composition of the Joint Appraisal Sub Committee going forward.

2.3.4 The appraisal will acknowledge that the Joint Chief Executive is responsible to all Members of both Councils; hence it is recommended that the composition of the Joint Appraisal Sub Committee be politically balanced to reflect this. It is also recommended that the composition of the Joint Appraisal Sub Committee is made up of the following:

- Four Members (including the Leader) from South Northamptonshire Council who are members of the Joint Personnel Committee
- Four Members (including the Leader) from Cherwell District Council who are members of the Joint Personnel Committee

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- 2.3.5 It is recommended that all members of the Joint Appraisal Sub Committee are required to have been trained in conducting appraisals prior to any involvement in the formal Joint Appraisal Sub Committee meetings.
- 2.3.6 The makeup of the Joint Appraisal Sub Committee will potentially change from year to year depending on the membership of the Joint Personnel Committee as members of the Sub Committee will be members of that Committee too.
- 2.3.7 In order to reflect the fact that the Joint Chief Executive is appointed to serve the whole Council it is recommended that the Leaders of the Opposition, who may not be members of the Joint Appraisal Sub Committee, be formally consulted for feedback during the appraisal process.
- 2.3.8 The Chairman of the Joint Appraisal Sub Committee will be appointed by members of the Sub Committee on an annual basis, however the Leaders of either Council are excluded from this role, so they are able to fully participate in the appraisal process.

### **2.4 Appraisal Preparation**

- 2.4.1 The external facilitator will ensure all required meetings take place and documentation prepared in agreed formats and timescales.
- 2.4.2 It is recommended that prior to each formal meeting of the Joint Appraisal Sub Committee that the two Leaders consult with members of their own Councils about the Joint Chief Executive's performance and, as outlined above, this should include Leaders of the Opposition and the Deputy Leaders. These informal meetings will offer feedback to the Leaders and will support any elements of the formal appraisal process such as 360° degree feedback. These meetings may be supported by the external facilitator, if required.
- 2.4.3 The Joint Chief Executive will be required to prepare a formal report consisting of two parts, one looking back at targets set and achievements, the other looking forward to what needs to be achieved, how that will be done, and in what timescales. There will also be an opportunity to respond to the 360° degree feedback as discussed with the external facilitator, and completion of the Appraisal Form (Appendix 3 of the attached policy). This form (with some minor variation) is used for other members of JMT and will ensure broad consistency, and provides for a similar process to be used to filter down to Directors and Heads of Service once the appraisal of the Joint Chief Executive has been concluded.
- 2.4.4 The external facilitator will support the Joint Chief Executive in preparation of this documentation for any meeting attendance, if required. They will also provide appropriate training to members of the

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Joint Appraisal Sub Committee prior to their inclusion in the process itself.

### **2.5 The Joint Appraisal Sub Committee Meeting: The Appraisal**

- 2.5.1 There will be two formal meetings per appraisal year. One to be held as soon as possible after the setting of both council's priorities for the coming year i.e. February/March, to look back at past agreed targets, performance and development, and to set new targets for the forthcoming appraisal year. The other will be a six monthly review meeting around October each year.
- 2.5.2 The Joint Appraisal Sub Committee will be supported by the external facilitator prior to and during the meeting. The external facilitator will also take notes during the appraisal meeting and write a report detailing the outcomes and any agreed actions.
- 2.5.3 The draft report prepared by the external facilitator will be circulated to all members of the Joint Appraisal Sub Committee and the Joint Chief Executive.
- 2.5.4 A committee clerk will attend the start and end of each formal Joint Appraisal Sub Committee meeting, but will leave during the period the meeting is in session.

### **3. Conclusion and Reasons for Recommendations**

- 3.1 It is concluded that the proposed framework for appraising the Joint Chief Executive and its contents represent a robust and equitable process to ensure that the Councils meet their contractual obligations. It will also ensure that the Joint Chief Executive is treated no more or less favourably than any other employee, based on best practice and guidance from the JNC Conditions of Service for Chief Executives.

### **Options**

The following options have been identified. The approach in the recommendations is believed to be the best way forward:

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| <b>Option One</b>   | To agree and approve the immediate use of the proposed Joint Chief Executive Appraisal framework.    |
| <b>Option Two</b>   | To continue with the current informal arrangements for the joint appraisal process.                  |
| <b>Option Three</b> | To develop individual appraisal arrangements for each Council to appraise the Joint Chief Executive. |

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### Consultations

Sue Smith, Joint Chief Executive Comments have been reflected in the report

Barry Wood, Leader of Cherwell District Council Comments have been reflected in the report

Mary Clarke, Leader of South Northamptonshire Council Comments have been reflected in the report

### Key Considerations

(Financial, Legal and Risk and other implications e.g. Equalities, Human Resources, Data Quality, Risk, Crime and Disorder and Environmental where relevant)

**Financial Implications:** The cost of procuring an external facilitator to support the Joint Chief Executive appraisal process is expected to be in the region of £5000 per annum, split between the two councils.

Funding can be found from within existing budgets order to support this.

Karen Curtin

Comments checked by Karen Curtin, Head of Finance and Procurement  
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**Legal Implications:** As identified in the body of this report the appraisal of the Joint Chief Executive is a contractual requirement. Failure to properly engage in an appraisal process for the Joint Chief Executive exposes both Councils to a potential claim of breach of contract. If such a claim was to be successfully brought against the Councils this would have both financial and reputational consequences.

Comments checked by Kevin Lane, Head of Law and Governance  
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Reputational	implications as identified above.
<b>Wards Affected</b>	None
<b>Corporate Priorities</b>	None
<b>Portfolio Holder</b>	Councillor Barry Wood, Cherwell District Council Portfolio Holder for Human Resources  Councillor Ian McCord, South Northamptonshire Council Portfolio Holder for Human Resources
<b>Key Decision</b>	No

### Document Information

Appendix No	Title
Appendix 1	JNC Conditions of Service for Chief Executives
Appendix 2	Joint Chief Executive Appraisal Policy
Appendix 3	Appraisal Form
<b>Background Papers</b>	
None	
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