
Change of a Statutory Role- Summary Report

Committee considering report:	Personnel Committee
Date of Committee:	15 April 2019
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	04 April 2019
Report Author:	Robert O'Reilly
Forward Plan Ref:	

1. Purpose of the Report

- 1.1 To seek Personnel Committee approval for the designation of a number of statutory roles (also known as 'proper officer' roles).
- 1.2 It is proposed that the Executive Director (Resources) will be designated as the Council's 'chief finance officer' designated as such under section 151 of the Local Government Act 1972 ("Section 151 Officer"). It is also proposed that the Executive Director (People) will be designated as the Council's Director of Children's Services ("DCS") and Director of Adults Social Services ("DASS"). It is proposed that these designations will take effect on the date that the posts become occupied.

2. Recommendations

- 2.1 That the statutory role of Section 151 Officer is transferred from the post of Head of Finance to the post of Executive Director (Resources) on the date when the post of Executive Director (Resources) becomes occupied.
- 2.2 That the statutory role of DCS is transferred from the post of Head of Education to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.
- 2.3 That the statutory role of DAS is transferred from the post of Head of Adult Social Care to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** Officers affected have been consulted regarding the recommendation in this report.
- 3.4 **Legal:** The Council is legally obliged to designate suitable officers to fulfil the statutory roles detailed in this report.
- 3.5 **Risk Management:** None

Change of a Statutory Role- Summary Report

3.6 **Property:** None

3.7 **Other:** None

4. **Other options considered**

4.1 To leave the statutory roles with current post holders. This option is not recommended for the reasons detailed in this report.

Executive Summary

5. Introduction / Background

- 5.1 The Council has five statutory roles (also known as 'proper officer' roles) which must be attached to a post. The statutory nature of the roles is set out in various pieces of legislation (see Appendix C for details). The five statutory roles are: Section 151 Officer, Head of Paid Service, Monitoring Officer, Director of Children's Services (DCS) and Director of Adult Social Services (DASS).
- 5.2 The Council's constitution gives the task of allocation the statutory roles to posts in The Council to the Personnel Committee. The report to the Executive on 28th March 2019 titled '*Senior Management Arrangements from April 2019 - Final Proposals*' contained proposals which state that the statutory roles may be moved between suitable senior posts according to the needs of the Council. The mechanism for doing this is for the Head of Paid Service to make a recommendation to the Personnel Committee regarding a proposed change. This is the first report to Personnel Committee to do this.
- 5.3 The Scheme of Delegation at paragraph 3.1.3 contains a Schedule of Council functions, which indicates that the Personnel Committee shall be responsible for making for the allocation of the statutory (proper officer) roles in the Council.
- 5.4 The rationale for the recommendation in this report is set out in the Chief Executive's report to the Executive on 28th March 2019 – '*Senior Management Arrangements from April 2019 - Final Proposals*'. The summary report and supporting information (not the appendices) is shown at Appendix D for information.

6. Proposals

- 6.1 That the statutory role of Section 151 Officer is transferred from the post of Head of Finance to the post of Executive Director (Resources) on the date when the post of Executive Director (Resources) becomes occupied.
- 6.2 That the statutory role of DCS is transferred from the post of Head of Education to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.
- 6.3 That the statutory role of DASS is transferred from the post of Head of Adult Social Care to the post of Executive Director (People) on the date when the post of Executive Director (People) becomes occupied.

7. Conclusions

- 7.1 The Executive approved the report '*Senior Management Arrangements from April 2019 - Final Proposals*' and the Personnel Committee is requested to approve the transfer of the statutory roles detailed in the recommendation.
- 7.2 If the Personnel Committee approves the recommendation in this report the post of Executive Director (Resources) will go out to external advertisement including the requirement that the successful candidate be qualified to be designated as the Council's Section 151 Officer.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Summary report and Supporting Information (not appendices) from the report approved by the Executive on 28th March 2019 - '*Senior Management Arrangements from April 2019 - Final Proposals*'.

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	HR
Team:	HR
Lead Officer:	Robert O'Reilly
Title of Project/System:	Change of a Statutory Role
Date of Assessment:	28/03/19

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	x
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	x
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	x
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	x
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	x
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	x
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	x

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Change to a Statutory Role
Summary of relevant legislation:	See Appendix C
Does the proposed decision conflict with any of the Council's key strategy priorities?	no
Name of assessor:	Robert O'Reilly
Date of assessment:	28/03/19

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Change to a Statutory Role
Objectives:	Change to a Statutory Role
Outcomes:	Change to a Statutory Role
Benefits:	Change to a Statutory Role

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	none	
Disability	none	
Gender Reassignment	none	
Marriage and Civil	none	

Partnership		
Pregnancy and Maternity	none	
Race	none	
Religion or Belief	none	
Sex	none	
Sexual Orientation	none	
Further Comments relating to the item:		
none		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a

Name: Robert O'Reilly

Date: 28/03/2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.