

County Hall Cardiff CF10 4UW Tel: (029) 2087 2000

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# AGENDA

Committee APPOINTMENT COMMITTEE - PRINCIPAL LAWYER LITIGATION

Date and Time MONDAY, 11 MARCH 2019, 9.45 AM of Meeting

Venue LEADERS CONFERENCE ROOM - LEVEL 5, COUNTY HALL, ATLANTIC WHARF, CARDIFF

Membership Councillor Weaver (Chair) Councillors Carter, Derbyshire, Mackie and Williams

### 1 Apologies (if any)

### 2 Declaration of Interests

To receive declarations of interest in accordance with the Members Code of Conduct.

#### 3 Terms of Reference

To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006) and the statutory Head of Democratic Services, in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.

### 4 Minutes

To approve the minutes of the shortlisting held on 4 March 2019 (to follow)

### 5 Exclusion of the Public

Information included in the following items is not for publication by virtue of paragraphs 12 and 13 of Part 4 Schedule 12A of the Local Government At 1972

### 6 Appointment of Principal Lawyer Litigation (Pages 3 - 46)

To interview candidate and conclude the process for the appointment to the post of Principal Lawyer Litigation.

By receiving this Agenda Pack electronically you have saved the Authority approx. £1.31 in printing costs

#### Davina Fiore Director Governance & Legal Services Date: Tuesday, 5 March 2019 Contact: Gill Nurton, 02920 872432, G.Nurton@cardiff.gov.uk

# NOTES FOR APPOINTMENTS COMMITTEE FOR APPOINTMENT OF CHIEF EXECUTIVE / CORPORATE DIRECTOR RESOURCES / DIRECTORS / ASSISTANT DIRECTORS / CHIEF OFFICERS

### Appointment Committee Process

- 1. Confirmation of Chair (appointed at Appointments Committee Long Listing stage)
- 2. Chair checks on the order and who will ask which question from the prepared list.
- 3. Chair ensures all Members are clear on the process to be followed during the interview i.e. Candidates to be seen one at a time in line with interview structure below.

#### Interview Structure

- 4. Candidates will be welcomed and introduced to the Committee and reminded of the format of the interview by the Chair.
- 5. Candidate to give presentation (10 minutes) (Clerk to give indication of when reach 9 minutes)
- 6. Committee to ask questions related to the presentation only. (5 to 10 minutes)
- 7. When these questions have been answered the Chair will move to the first of the job specific questions and Members will ask the questions in the order agreed at 2 above. The Committee may ask any supplementary questions they may have in the time available. The Chair will advise when available time is used.
- 8. Chair will invite the candidate to ask any questions. When these are answered the Chair will move to the mandatory questions.

#### The Council's mandatory questions:

- 9. The Chair will ask the following questions which the Council has made mandatory:
- Do you have any business or other interests including membership or affiliation of any political or other organisation which could cause real or observed conflict with the duties and responsibilities of this post?
- If you were offered the appointment, would you please confirm that you would accept on salary and conditions as advertised?

#### **Completion of interview:**

The Chair will advise candidate that the process has been completed and an officer will make contact shortly with the outcome.

### Professional Advice:

The Chair and Members of the Committee may take advice at any time from any officer or advisor appointed to assist the selection process. Prior to the Committee's decision the Chair should invite any advisor or officer appointed to assist in the process for any guidance they may wish to offer.

### After completion of all the interviews

- 1. The Chair will ask the Committee whether it is able to make an appointment from the candidates who have been interviewed.
- 2. Once the Committee have agreed in principle that they are able to make an appointment, the Chair will then go round the table and ask Committees' views on what they believe to be the main strengths and weaknesses of each candidate.
- 3. The Chair will summarise what has been said and add her/his own personal summary and suggest that the Committee now indicate ranking candidates in preference order.
- 4. If a clear consensus to the appointment of one of the candidates is reached, then the Chair will suggest that a decision be taken.
- 5. If there is no consensus, Chair will make the decision to take a ballot.
- 6. The ballot papers will be returned to the Chair who will shuffle papers and count the votes with the Lead Officer.
- 7. A preferred candidate will emerge from this process.
- 8. The appointment will need to be proposed and seconded. Other Committee Members, by convention, support the proposal to enable a unanimous decision to be reached.

#### Successful candidate

The Committee delegate authority for the Lead Officer to inform the successful candidate and agree salary terms and conditions within the Council's agreed framework. HR Advisor to provide support on this if required

#### Unsuccessful Candidate(s)

The Committee delegates authority to the HR Advisor to inform the unsuccessful candidate/s of the Committee's decision.

#### **Conclusion**

At the conclusion of the meeting, any recorded minutes and papers will be collected administratively for confidential record purposes on the appointment.



## JOB DESCRIPTION AND PERSON SPECIFICATION

<b>Job Title</b> : Principal Solicitor (Litigation) OM2	<b>Directorate</b> : Governance and Legal Services
Section: Litigation	<b>Reporting to</b> : Director of Governance and Legal Services
Grade: OM2	Hours per Week: 37
Post Number:	Number of Employees Reporting to Post:7
<ul> <li>Special Conditions:</li> <li>The job of Operational Manager cannot be satisfactorily undertaken within a fixed working week and some evening and weekend working will be required for proper performance of the duties.</li> <li>This post is politically restricted in accordance with the Local Government and Housing Act 1989 (as amended by Local Democracy, Economic Development and Construction Act 2009).</li> </ul>	Location of Post: County Hall
Job Purpose: The Principal Solicitor will be responsible for and management of the Litigation Team dea (excluding social services litigation); legal we housing, employment, education, and quasi- Cabinet, Committees, and Directorates on re	ling with criminal and civil litigation ork associated with the Council's regulatory, judicial functions; advice to the Council,

Council in Court and at Tribunals, hearings, and inquiries; and as requested by the Monitoring Officer, acting as Deputy Monitoring Officer. The postholder will also be a member of the Directorate Management Team.

#### **Duties and Responsibilities**

#### Job Specific Requirements

 To supervise, manage, and monitor the performance of the staff and work of the Litigation Team, including criminal and civil litigation (excluding social services litigation); legal work associated with the Council's regulatory, housing, employment, education, and quasi-judicial functions; advice to the Council, Committees, and Directorates on related legal matters; and representation of the Council in Court and at Tribunals, hearings, and inquiries

- 2. To act if required by the Monitoring Officer as the Monitoring Officer's nominated deputy for the purposes of Section 5(7) of the Local Government and Housing Act 1989.
- 3. To act as the Directorate's lead employment lawyer.
- 4. To conduct litigation (both civil and criminal) on behalf of the Council, including acting as the Council's advocate before Courts, Tribunals, hearings, and inquiries.
- 5. To attend and advise, as required, meetings of the Council and its Cabinet, Committees, Sub-Committees, Senior Management Team, and working parties.
- 6. To provide general legal advice to Directorates and officers of the Council, and to associated bodies, companies, and organisations.
- 7. To be a member of the Directorate Management Team.
- 8. If required and able to be the Service Training Principal for trainee solicitors, registered with the Solicitors Regulation Authority.

### **Corporate Requirements**

- 1. To participate actively in supporting the principles and practice of equality of opportunity as stated in the Council's Equal Opportunities Policy.
- 2. To take reasonable care for the health and safety of yourself and other persons who may be affected by your acts or omissions and to comply with all health and safety legislation as appropriate.
- 3. As a term of your employment you may be required to undertake such other duties and/or times of work as may reasonably be required of you, commensurate with your grade or general level of responsibility within the organisation.
- 4. Although you will be provided with a base, you will be required to work from various locations in accordance with the needs of the role.

DATE COMPLETED: \_\_\_\_\_ AGREED BY: \_\_\_\_\_ (Recruiting Manager)

Date Received by Post holder: \_\_\_\_\_

Signature of Post holder: \_



# **Person Specification**

Job Title: Principal Solicitor (Litigation) Post Number:

### THE PERSON APPOINTED MUST MEET THE FOLLOWING REQUIREMENTS

Area to be Demonstrated	Essential Requirements YOU MUST DEMONSTRATE THAT YOU MEET THESE REQUIREMENTS	Desirable Requirements YOU DO NOT HAVE TO MEET THESE REQUIREMENTS BUT IF YOU DO, PLEASE TELL US	How Assessed Application Form or Interview or Both
Competencies (as per Behavioural Competency Framework)	<ul> <li>Putting Our Custome</li> <li>Getting Things Done</li> <li>Taking Personal Res</li> <li>Seeking to understar them with respect – L</li> </ul>	<ul> <li>Level 4</li> <li>ponsibility – Level 4</li> <li>id others and treating</li> </ul>	Application Form, Interview, Written Test and Presentation
Education & Training	Solicitor or barrister or equivalent qualification with ability to practice.	Management training or willingness to undertake training	Application Form & Certification where required
Experience / Knowledge	Experience and knowledge of administrative law and governance matters within a local government context. Experience of working with Elected Members. Experience and knowledge of employment law and Employment Tribunals. Experience and	Experience and knowledge of criminal law, civil law, licensing and some other regulatory functions of local authorities, housing law, education law, and the quasi- judicial functions of local authorities.	Application Form, Interview, Written Test and Presentation
Skills and	knowledge of litigation. Ability to manage and		Application
Abilities	motivate staff and monitor performance Page	e 7	Form, Interview,

	Excellent communication skills, both written and oral. Ability to work as an effective part of a professional team to deliver complex issues Politically sensitive and able to work closely with Elected Members, Chief Executive, Corporate and other senior managers Competent IT user Effective advocate		Written Test and Presentation
Personal Attributes	Commitment to continuous service improvement Demonstrable leadership qualities and ability to work under pressure to tight timescales and to motivate others to deliver Commitment to the Council's policies on Equality and Diversity	Be willing to undertake further training	Interview
Special Circumstances	Ability to travel to various locations	Full valid driving licence	Application Form and Interview



# **Cardiff Council Behavioural Competency Framework**

# Supporting the Values of the Council



# Putting our Customers First (Core)

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Understand who our customers are Be polite, helpful and considerate and take time to listen to customers Work with colleagues to help meet customer needs	Seek to understand our customer needs Asking for customer feedback Using feedback to inform our actions, priorities and recommendations	Encouraging and supporting others to deliver excellent customer service Consulting and engaging with community and customer groups to identify customer need Developing ways of working, processes and structures to achieve continual improvements in customer service	Ensuring that customer views are fully taken into account in the planning of services Promoting and ensuring working across service areas to improve customer care Challenging others across the organisation to improve service delivery	Analysing services from the 'customer perspective' to ensure high-quality, timely and flexible Understanding and guiding others towards early intervention, prevention and the elimination of demand caused by service failure Putting the customer at the centre of cross-portfolio working and external partnerships: seeks to achieve seamless, efficient and accessible service provision Using rigorous methods to test, review and enhance the customer experience

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# Getting Things Done (Core)

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Ensuring tasks are completed to high standard and see them through to completion Contributing to ensure efficient ways of working Monitoring and checking own progress against requirements	Ensuring own and, where applicable, others' outputs meet requirements Identifying and communicating priorities to relevant people Identifying where the right resources and skills are available	Establishing ways of measuring and benchmarking performance Committing required resources and time to deliver and improve results Defining and communicating critical success factors for service delivery	Making decisions and setting priorities on the basis of calculated costs, benefits and risks. Supporting and driving new performance improvement initiatives Seeking, identifying and taking actions to overcome organisational barriers to deliver improved results Recognising and acknowledging the performance of others	Ensuring that performance is focused on continually improving outcomes for customers and the city region as a whole Engaging with internal and/o external partners at a strategic level to ensure that performance is optimised. Taking necessary actions and making hard choices to ensure results are delivered. Identifying and resolving systemic or structural barriers to performance. Establishing a culture of achievement and a shared commitment to exceed targets

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# Taking Personal Responsibility (Core)

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Being consistent and fair in dealings with others Rectifying errors and seeking appropriate guidance and	Continuing to deliver when faced with tough circumstances, uncertainty, difficulty or change.	Challenging established practices where they are not consistent with fairness and openness.	Challenging powerful individuals to behave in a way that models the organisational values	As a visible leader, modelling and promoting values in all activities and interactions
Sharing of all relevant information with others	Supporting and encouraging others to deal with uncertainty, difficulty or change Encouraging others to be fair, open and honest	Speaking out even when it jeopardises a trusted or valuable relationship Seeking to turn difficult situations around	Actively promoting and driving an organisational commitment to public service Ensuring sharing of all relevant information across the organisation Ensuring organisational practices are transparent	Retaining the highest standards of honesty, integrity and respect during periods of significant pressure and difficulties Providing values-based leadership for the development and maintenance of city-region and partnering arrangements

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# Seeking to understand others, and treating them with respect (Core)

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Asking about others' views and feelings, and actively listening and acknowledging these Acknowledging and considering the different views and ideas of others Checking own understanding of how others feel	Questioning others to understand their viewpoint and take them into account Seeking to understand, the reasons for others actions and views Encouraging others to consider the impact of their actions	Shaping the environment to ensure others feel positive and conflict is minimised Addressing and changing things when the behaviours of others is disruptive Seeking and taking opportunities to create and support forums where people can express their views and concerns	Assessing the strengths and development areas of others, aligning their strengths to the demands and requests made of them Seeking to understand the source of negative emotions within and external to the organisation Identifying and taking action to pre-empt situations where strong emotions will be aroused.	Building positive relationships with others in challenging and complex circumstances Understanding and responding to the political, financial, reputational and other factors that influence the behaviour of senior people Recognising and taking action to resolve cultural or systemic causes of conflict, misunderstanding or lack of collaboration Modelling consistently collaborative, supportive an respectful behaviour toward others

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# **Developing Potential**

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
their d find w	Supporting others' to identify their development needs and find ways to meet these needs	Supporting others to acquire the skills needed for the future in the short, medium and long term	Promoting and encouraging staff development across the organisation Ensure a resource pool to	Predicting changing organisational needs and taking action to ensure people are fully equipped to meet them
	Actively supporting others to develop understanding and/or skills	Giving positive and constructive feedback	meet longer-term talent requirements	Taking a visible and proactive role to
	Mentoring others and sharing knowledge to improve performance	Actively looking for and taking opportunities to coach and mentor others	Develop others to equip them for leadership roles	development high quality leadership and managemer skills across the organisatio
				Understanding and nurturin the skills and behaviours required to optimise partnering arrangements

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# Leading Change

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
	<ul> <li>Promoting and being positive about change</li> <li>Seeking opportunities for self and others to contribute to change</li> <li>Helping others to understand the reasons for and the process of change</li> </ul>	Setting out and communicating the vision and the rationale for change Looking for ways to support and contribute to successful change Enabling and supporting colleagues and stakeholders to deal effectively with change	Simplifying a complex or confusing message to provide a clear vision that others are able to buy into and act upon Following through on change to ensure it is fully embedded in the organisation, the benefits are realised and lessons learnt for future change. Creating and promoting a culture and environment in which change is managed effectively and sensitively, to increase the likelihood of buy-in and success	Creating a coherent vision, aligning and integrating many different change initiatives and programmes Testing and evaluating the longer-term and strategic impact of change programmes Ensuring that structures and resources are in place to effectively lead and manage change programmes Championing change and securing buy-in from senior players internally and externally Demonstrating consistent drive, resilience and agility during challenging periods of change

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# Initiating Change and improvement

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Seeking and taking opportunities to improve Being flexible and open to changes	Using knowledge and experience to proactively put forward suggestions for improving	Encouraging, promoting and supporting new ideas Constantly encouraging self and others to look for	Looking for long-term opportunities that will create positive changes and taking action to make these a reality	Recognising when only radically different models of delivery will secure the desired outcomes
Being cooperative when change impacts upon you	Dealing with the unexpected and adapting readily to change.	improvements in methods, approaches and ways of working	Identify new and bold ideas to respond to opportunities that lie ahead.	Being creative and thinking without boundaries: challenging narrow views and deep-rooted resistance
	Identifying and taking action to head off potential problems	Identifying and implementing new approaches to improve	Actively use internal and external data and trends to add value for the customers and the council Develop clear direction on	Taking action to quickly translate initial ideas into tangible results when speed of execution is essential
			how the organisation can improve	Identifying when 'good ide do not fit with the bigger picture or strategic intent

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#### **Organisational Awareness**

This competency is about understanding formal and informal structures, decision-making, climate and culture and organisational politics, which shape how the council works Level 1 - What we Level 2 Level 3 Level 4 Level 5 stand for Acknowledging and Identifying and challenging Identifying and optimising responding to internal and decision-making processes organisational limitations, external forces affecting the in city region and other where applicable organisation partnering arrangements Identifying both formal and informal sources of influence Spotting trends and changes Sustainably exerts influence -both internal and external and using this knowledge to within a variety of different build relationships with key that will affect the working arrangements e.g. decision makers/influencers organisation in the future. city region, private sector partnerships, etc. Recognising the reasons for Forming and maintaining on-going organisational relationships with key behaviour provincial and national institutions, bodies and individuals to protect and enhance the council's position

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# Partnering and Corporate Working

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Actively participating as member of a team Proactively sharing information and ideas openly within own team Supporting others to complete tasks	Identifying and building effective and collaborative working relationships Proactively sharing information and ideas openly with all relevant teams Acknowledge different stakeholder priorities and take them into account	Proactively maintaining a network of internal and external colleagues to enable service improvement and service delivery Promoting and forming cross-functional teams to deliver results and improvement Working collaboratively to gain buy-in and agreement towards a common goal	Promote and lead partnership and corporate working, across and outside the organisation Using depth and breadth of contacts to build alliances for wide and far reaching change Managing complex relationships, internally and externally, to establish common goals and develop mutual commitment to positive outcomes	Forging and continually developing a complex network of senior-level relationships to optimise the productivity of the city region Focusing on desired outcomes and defining which types of partnering arrangements will best achieve them Ensuring the right-strategic partnerships are in place to optimise the use of public sector resources in a climate of austerity Unlocking the key strategic barriers to partnership and collaboration Exploiting the use of commercial partnerships and ventures, whilst effectively accounting for the risk factor

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# Communicating

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Communicating clearly and effectively Actively listening to other	Taking technical or complex information and turning it into clear oral or written communications	Selecting most appropriate communication styles, approaches and channels Communicating challenging	Communicating appropriately in response to a crisis or unexpected event where preparation time may be limited.	Communicating and influencing effectively in critical internal and external environments
Sharing information and knowledge with others.	Producing communications that are focussed tailored and easily understood by the intended audience. Capture and share useful information and feedback	and contentious messages with openness Responding openly to challenges and addressing concerns	Clearly articulating highly complex, strategic and conceptual information to others in a meaningful and relevant way Creating an environment and culture that encourages open, honest, timely and effective communication	Interpreting accurately what has been said/not said in senior level discussions and negotiations: explores the important subtle messages Positions the Council clearly and credibly when outlining its position Conveys the right message in the right places to secure the desired outcomes

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# Analysing, Problem Solving and Decision Making

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Making reasoned decisions based on evidence Taking a logical approach to problem solving. Seeking to ensure all known key information is gathered	Exploring a variety of options in order to effectively solve problems and make reasoned decisions. Anticipating the impact that decisions will have on others and taking this into account and implementing solutions. Using appropriate approaches or tools to gather all relevant information in order to take a decision and/or solve a problem	Investigating and evaluating options when making decisions whilst anticipating and assessing short and medium term risks Ensuring solutions to complex problems are realistic and workable. Following through on solutions / decisions, until closure or resolution, to ensure they are understood and implemented by others	Anticipating and assessing long-term and strategic risks, addressing them and helping others to recognise and address them. Creating an environment and culture in which people make decisions and take responsibility for them. Taking appropriate steps to communicate and deal with the impact of decisions on colleagues, customers and/or partners	Looking beyond the immediate issues and placing them within the context of the Councils strategic direction Promoting and nurturing joined-up decision-making - ensures key people are communicating and aligning their efforts Undertaking complex strategic analyses and presenting the options to senior politicians in an accurate and balanced way Foreseeing and managing the longer-term implications and potential unintended consequences of key strategic decisions

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### **Equality and Diversity**

Removing discrimination and barriers to fair access to Council employment and services on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or Welsh language. Recognising, valuing and celebrating difference, and being able to work together to create a vibrant, diverse, just, cohesive and decent society where everyone can enjoy their human rights and achieve their potential

Level 1 - What we stand for	Level 2	Level 3	Level 4	Level 5
Follow equality policies, procedures and legislation Treating others with dignity and respect Acknowledging the value of differences between people	Promoting the importance of equality and valuing diversity in the workplace and in service delivery Acknowledging and communicating that every employee has a role to play in making the Council an Employer of Choice and a successful deliverer of services to diverse communities		<ul> <li>Promoting and ensuring a culture in which equality and diversity is valued through fair and just service delivery and employment.</li> <li>Advocating and championing equality and diversity within the organisation</li> <li>Engaging equalities communities and stakeholders, and involving them in shaping Council policies and practices</li> </ul>	Challenging and testing services to ensure that commitments to equality and diversity are being robustly implemented. Putting systems in place and using them to evaluate the degree to which services are securing improved outcomes in the lives of all service users: taking action to tackle all aspects of inequality. Challenging and improving the culture and processes of the organisation; ensuring that the potential of all employees is identified, nurtured and fully realised. Working together with partner organisations to cohesively achieve improving strategic equality and diversity outcomes.
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# **Optimising Resources**

Level 1 What we stand for	Level 2	Level 3	Level 4	Level 5
-			<ul> <li>Providing higher-level guidance and advice to managers regarding the efficient deployment of resources</li> <li>Taking responsibility for developing skills and attitudes that promote the effective use of resources</li> <li>Encouraging a creative culture, where people look for novel or adapted ways to deliver excellent results more efficiently</li> <li>Taking difficult decisions about services with the priorities of customers being paramount</li> </ul>	Giving strategic direction to senior colleagues about when to invest, to disinvest and to save: clarifies the big picture context (in line with Cabinet priorities) Demonstrating commercial/acumen; fully understanding the financial and other factors of potential ventures Establishing a culture of accountability where resource are efficiently and carefully managed across all services Utilising regional and other partnerships and collaborations to optimise resources Encouraging and supporting efforts to attract new or increased income streams

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### **Demonstrating Political Acumen**

Working effectively within the context of a member-led authority; understanding political priorities for the city region and establishing a position as a trusted and impartial advisor. Helping senior politicians to 'test' and fully appreciate the best ways to implement agreed priorities and commitments.

Level 1 What we stand for	Level 2	Level 3	Level 4	Level 5
-	-	-	Understanding key political decision-making processes and engaging with them appropriately	Understanding the priorities of the Cabinet and translating these into action in the organisation
			Ensuring the production of clear, accurate and timely responses to member enquiries	Offering clear and accurate advice to senior politicians, highlighting the benefits, risks and implications of key strategic choices
			Deputising for the relevant Director and providing robust guidance to senior elected members	Being aware of political sensitivities, whilst retaining non-political objectivity
			Ensuring that managers and staff engage appropriately and effectively with elected members	Keeping politicians informed in a timely and proactive manner; avoiding unnecessary surprises
				Understanding and making sense of the local, regional and national political agendas

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