

18 CONFIDENTIAL ITEMS

18.1 REVIEW OF CEO PERFORMANCE DURING PROBATION

Responsible officer: Chief Executive Officer

Attachments: CEO performance review proposal from Stillwell Management Consultants
CEO performance review proposal from Peter Bond Consulting

RECOMMENDATION TO EXCLUDE THE PUBLIC

That:

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except Jason Taylor (Chief Executive Officer) and Shona Hyde (Minute Secretary) be excluded from attendance at the meeting held on 21 November 2018 for agenda item 18.1 REVIEW OF CEO PERFORMANCE DURING PROBATION.

This Council is satisfied that pursuant to Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 18.1 is: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

MOVED COUNCILLOR NEVILLE PFEIFFER

That pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except Jason Taylor (Chief Executive Officer) Shona Hyde (Minute Secretary) be excluded from attendance at the meeting held on 21 November 2018 for agenda item 18.1 REVIEW OF CEO PERFORMANCE DURING PROBATION.

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SECONDED COUNCILLOR TREVOR HANCOCK

CARRIED.

Executive summary

The purpose of this report is to enable Council to appoint a CEO performance review panel to oversee the review of the CEOs performance during his probationary period and to engage a firm to undertake a facilitated 360 degree review of the CEOs performance.

RECOMMENDATION

That Council:

- 1. appoint the Mayor, Deputy Mayor and one other Elected Member as the CEO performance review panel to oversee the process of the CEOs probationary period performance review and to report back to Council**
- 2. authorise the Mayor and Deputy Mayor to immediately engage the service of _____ (Stillwell Management Consulting or Peter Bond Consulting) to commence a facilitated 360-degree review of elected members and an agreed sample of staff and stakeholders, to measure satisfaction with the CEO's performance, and to provide a report back to the CEO performance review panel**
- 3. receive a report on the outcome of the CEO performance review to the 19 December 2018 Ordinary Meeting of Council**

MOVED COUNCILLOR NEVILLE PFEIFFER

That Council:

- 1. appoint the Mayor, Deputy Mayor and Cr Jeffrey Nickolls as the CEO performance review panel to oversee the process of the CEOs probationary period performance review and to report back to Council.**
- 2. authorise the Mayor and Deputy Mayor to immediately engage the service of Peter Bond Consulting to commence a facilitated 360-degree review of elected members and an agreed sample of staff and stakeholders, to measure satisfaction with the CEO's performance, and to provide a report back to the CEO performance review panel.**
- 3. receive a report on the outcome of the CEO performance review to the 16 January 2019 Ordinary Meeting of Council.**

SECONDED COUNCILLOR ANDREW GRIEGER

CARRIED.

Background

The CEO, Jason Taylor, entered into a contract with Southern Mallee District Council and commenced employment on 19 July 2018. The contract has a term of 3 years with the potential for a one year extension.

Context

The CEO's contract includes the following clause relating to the probationary period:

Probation Period

- a) *It is agreed that the appointment of the Chief Executive Officer is subject to the Chief Executive Officer's satisfactory performance during the first 5 calendar months from the Commencement Date with a facilitated 360-degree review of Elected Members, an agreed sample of staff and stakeholders, to be undertaken in confidence at 4 months to measure satisfaction with the Chief Executive Officer's performance. The 5 calendar months being the Probationary Period. During the Probationary Period, the following will occur:*
 - i. *the Chief Executive Officer will meet, on a monthly basis, with the Mayor and Deputy Mayor of the Council for a discussion of his performance;*
 - ii. *a written record will be kept of these discussions, and "signed off" as a true record by the Chief Executive Officer, Mayor and Deputy Mayor;*
 - iii. *if, during any of these monthly meetings, performance problems are raised, these will be recorded, and noted for review at the next monthly meeting; and*
 - iv. *if a problem identified at the previous monthly meeting remains a problem at the next meeting, then either party may terminate this Agreement by providing 4 weeks' written notice to the other party;*
 - v. *further and in addition to clause 3 (a)(iv), the Council may following the review at 4 months if satisfied that a satisfactory level of performance has not been achieved terminate this Agreement by giving 8 weeks' notice to the Chief Executive Officer;*
 - vi. *following satisfactory completion of the Probationary Period the Chief Executive Officer's contract will be formally confirmed.*

Policy and statutory Implications

The Local Government Act 1999, Chapter 7, deals with requirements related to the CEO.

Issues

Council has been in the caretaker period since 18 September 2018. During this time Council is unable to make designated decisions. Decisions relating to the CEO's employment are classed as designated decisions.

The CEO has been having performance discussion meetings with the Mayor and Deputy Mayor during his probationary period.

The CEO concluded 4 months of employment on 19 November 2018 and the contract provides that the 5 month probation period concludes on 19 December 2018. The CEO has indicated a willingness to extend the probationary period by up to one calendar month to 19 January 2019 to enable

additional time for the review of his performance, reporting back to Council and Council decision, if required. The January meeting is scheduled for 16 January 2019.

Alternate options

Council and the CEO have contractual obligations they must meet.

Financial implications

There is a cost associated with engaging a firm to undertake a review of the CEO's performance during the probationary period.

Work health and safety implications

There are no work health and safety implications for this item.

Consultation

The CEO, Mayor and Deputy Mayor have continued to meet during the probationary period to discuss the CEO's performance and a record of these discussions has been kept.

RECOMMENDATION

having considered agenda Item 18.1 in confidence under section 90 (2) and (3) (a) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2019, as to if this order is to continue in operation.

MOVED COUNCILLOR TREVOR HANCOCK

having considered agenda Item 20.1 in confidence under section 90 (2) and (3) (a) of the Local Government Act 1999, the Council pursuant to section 91 (7) of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2019, as to if this order is to continue in operation.

SECONDED COUNCILLOR NEVILLE PFEIFFER

CARRIED.
