

## **15.2 Interim probationary review – Chief Executive Officer**

*This report details items considered by the CEO Review Panel on the 20 January 2012, forming the first three month probation review of the CEO, Mark Dowd.*

*This is a regular or standard report.*

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Attachments: Nil

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### **1 Background**

This report details items considered by the CEO Review Panel on the 20 January 2012, forming the first three month probation review of the CEO, Mark Dowd.

The period of the review is from the date of commencement of the contract 7 November 2011 to the 20 January 2012. As per the contract the first probation review is required to be completed and reported to Council within three months by the CEO beginning the role (i.e. 7 February 2012).

Following Council endorsement of this report and the recommendations the second probationary report (final report) will be completed by 7 May 2012.

### **2 Review process**

As per our commitment to Mr Dowd on his appointment, the CEO Review Panel has met with him each fortnight and the Mayor has meet with him weekly.

An induction scheduled for the first six months was designed and being implemented by Mr Dowd and senior staff. The panel based their decisions about the performance of Mr Dowd on the following:

- the successful implementation of the induction program
- interrogation of the usefulness and learning's of these induction steps and help needed by the CEO
- the CEO's response to a series of questions at each meeting
- implementation of the panels requests
- response to interviews from a range of staff within the organisation
- checks around the CEO's understanding of the requirements of the role.

The panel met on 20 January 2012, in confidence, to discuss and deliberate on the above and other matters. It is essential to understand that the probationary three month stage is a critical one in relation to the contract.

It marks the point in time of the contract where either party can consider termination without suffering financial or other contractual impediments.

For that reason the panel has treated this review both with technical intelligence (i.e. how has the CEO performed against requirements of the contract and position

purpose) and emotional intelligence (i.e. what do our personal feelings tell us about the relationship).

Our legal advisor relating to the contract and the probation period was clearly of the view this period is largely about the emotional intelligence. The limitation of this report is that in some areas we are not completely involved on a day to day basis (and thus informed) and so need to make best guess estimates. The chair, with the concurrence of the panel, presented the draft report to Mr Dowd for his comment prior to formulating this final report.

### 3 SPOs vs. probation review

It is important to stress that this probation report and review has not been a measure of the CEO's performance in delivery of the annual SPO's. These are part of another and separate annual review.

Neither was this process supported by appointment of an independent panel member (as is the case for measures against SPO's).

### 4 Contract requirements

The key areas for the contract that the panel considered and the comments associated with each are detailed in Table One.

**Table One**

<b>Contract requirement</b>	<b>Assessment</b>
1. Signed register of interest	Achieved.
2. Not engaged in outside bodies/activities in breach of contract	Resigned from Optus prior to commencing contract. Achieved to the best of our knowledge.
3. Showing accountability to Council	<p>Achieved.</p> <p>Reacts quickly to requests/advice/requirements. Responds to members concerned in an effective and directive way, seeks advice where required</p> <p>Moved on restructure both of organisation and Council committees/kept EMs adequately informed of steps taken.</p> <p>There is a continuum of learning for the CEO in the positioning and role of the CEO to the elected body and Mayor. To date the CEO has shown a strong will to in value EM and also direct staff to achieve EM requirements.</p>
4. Decorum/appearance	Achieved.

<b>Contract requirement</b>	<b>Assessment</b>
5. Promote Council's aims and objectives	<p>Achieved.</p> <p>There have been numerous meet and greet meetings with outside individuals/groups.</p> <p>Is seen out and about both formally and socially. Maintaining a welcoming stance despite being inundated by people wanting his attention.</p> <p>Prepared to step into issues of contention to find a satisfactory outcome – seeks staff and resident views before making a decision.</p> <p>(may need to over time to delegate more and gradually personally step back, he acknowledges this)</p>
6. Leave approved by Council	<p>Leave was taken to Melbourne within two weeks of commencement. This had been discussed at interview as a possible impediment to a start date and the panel agreed that this could be taken to that a start date could be agreed two weeks prior. The second leave period taken was retrospectively agreed to by Council at the meeting of 17 January 2012. The adherence to this clause of the contract has been reiterated. However, Council may be of a view to delegate this approved process to either the Mayor/or the CEO Review Panel.</p>
7. No actions in breach of the code of conduct	<p>Achieved to the best of our knowledge.</p>

## 5 Position purpose

The second area that the CEO Review Panel considered as part of the probation review was the items under the position purpose within the contract. The comments of the panel in relation to each are shown below in Table Two.

**Table Two**

<b>Position purpose</b>	<b>Panel Assessment</b>
1. Leadership across the organisation	<ul style="list-style-type: none"> <li>- enthused staff, handling conflict situations professionally</li> <li>- shows strong leadership of staff</li> <li>- has a 'lead from the front' style,</li> <li>- inclusive style being reflected in staff</li> </ul>

Position purpose	Panel Assessment
	comments and innovation taken to be inclusive, open communicator, gathers the facts - will be demanding - off to a good start
2. General management	Shown strong emphasis on staff development and training, recognises gaps - emphasis on staff working to the best of their ability - wants right people in roles - restructuring to reflect the requirements of the organisation - shown communication initiatives - working to make management process more streamered and effective - personable/open door - picking up importance of financial management placing management into a strategic position.
3. Guide Council in strategic direction	Timing of the appointment has meant we have not had a lot of opportunity to test this area. Has concentrated on the organisations structure as first priority and learning about the role.
4. Provide policy and procedural advice	As above, judge more fully over the next three months.
5. Build working relationships with councillors, staff and community	- open to talking to all - prepared to be out and about - has had numerous meetings with government and non-government agencies - the number of meetings will need managing and he is aware of this.
6. Promote the Council locally	- attended a range of local events - shown he is open to approaches personable/liked/accepted to date.
7. Council comply with level and statutory requirements	Meeting regularly with lawyers to learn the Act, delegations etc and finding this valuable.

## 6 Summary

The CEO review panel is of the view that Mark Dowd has made a solid start in fulfilling the role of CEO of the City of Onkaparinga. Key strengths have been in areas of acceptance by and leaderships of our staff and an overall positive vibe through-out the organisation.

He has progressed quickly with the restructure and been inclusive in its acceptance.

Publically, he has shown a willingness to get involved with our community and has been well received.

While some of the panel feel that they have not enough day to day management of the role to express a stronger opinion, it is our view that the requirements of the three month probation have been satisfactorily met.

## **7 Recommendation(s)**

### **1. That:**

- a. under the provisions of Section 90(2) of the *Local Government Act 1999* an Order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.**
- b. That Council is satisfied that it is necessary that the public be excluded to enable Council to consider the report at the meeting on the following grounds:**

***Section 90(3)(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)***

**The Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of information concerning the employment performance of a person at the meeting would be inconsistent with accepted principles of professional human resource management.**

- c. accordingly on this basis, the principle that this meeting of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.**
- 2. That Council delegate the approval of annual leave by the CEO to the Mayor. The Mayor be required to report this leave and its extent to Council at the next available opportunity i.e. Weekly News or an Ordinary meeting of Council.**
  - 3. That Council note and endorse the three month probationary report 7 November 2011 to 20 January 2012 from the CEO Review Panel relating to the performance of Mr Dowd. Further, the Council authorise the Mayor to confirm with Mr Dowd the outcome of the review and our satisfaction with his performance to date and seek his continuance within this position.**
  - 4. That the Council request Mr Dowd present a ten minute presentation of his achievements over the first six months of his contract prior to the next probation report.**
  - 5. That an Order be made under the provisions of Section 91(7) and (9) of the *Local Government Act 1999* that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(a) until 31 December 2013.**

