

| | |
|-------------------------|---|
| Meeting: | Employment panel |
| Meeting date: | 13 July 2017 |
| Title of report: | Recruitment to the post of director of public health |
| Report by: | Director for adults and wellbeing |

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To agree the recruitment process for the director of public health (DPH) enabling the recruitment and selection process to commence.

Recommendation(s)

That:

- (a) recruitment for a substantive director of public health is initiated;**
- (b) authority to agree the role profile with the faculty of public health is delegated to the director for adults and wellbeing;**
- (c) a sub-committee of the employment panel be established to undertake the functions of recruitment and selection of the director of public health for Herefordshire to consist of one elected cabinet member with the following additional members co-opted:**
 - the chief executive (or nominee)**
 - the Public Health England (PHE) regional director (or nominee)**
 - an external professional assessor agreed by PHE**
 - a senior NHS representative agreed by PHE**

Alternative options

- 1 It is open to the council to delay making a substantive appointment and instead appoint an interim. This is not recommended as a medium or long term solution because of the additional costs of appointing an interim and the unsettling impact of any temporary arrangement.
- 2 The director of public health role could be shared with another council, as has been the case for the past two years although this is not recommended. Experience has demonstrated that despite best endeavours, a shared arrangement for such an important strategic role inevitably means that strategic focus cannot be maintained equally across two or more council areas.

Reasons for recommendations

- 3 It is a statutory requirement that the council appoints a director of public health.
- 4 To ensure effective public health leadership is in place to drive forward this important agenda across Herefordshire, it is recommended that a substantive appointment is made.
- 5 The employment panel is responsible for determining the terms and conditions for the post of director of public health and is responsible for carrying out shortlisting, interviewing, and appointment in accordance with the council's employment rules. The panel must include a member of the cabinet. Additionally, as directors of public health must be jointly appointed by the council and the secretary of state, the council must comply with the guidance on appointments issued on this subject. The recommendations reflect this guidance.

Key considerations

- 6 The Health and Social Care Act (2012) makes clear that each council must, acting jointly with the Secretary of State for Health, appoint an individual to have responsibility for its public health functions under the Act, known as the director of public health.
- 7 The council's director of public health is currently provided by Shropshire Council. By agreement, this arrangement will come to an end in October 2017.
- 8 The structural options for the leadership of the service have been considered and, given the strategic importance of the role, it is concluded that the right step for the council is to appoint a substantive director of public health for Herefordshire. Due to the potential advantages from linking the role with wider functions, the post will be available for individuals seeking to work part-time in Herefordshire, subject to a minimum of three days a week being worked with the council.
- 9 Due to the statutory nature of the process of appointing a director of public health jointly with the Secretary of State, and of the responsibilities of the director of public health, there are a number of specific features of the appointment. This includes Public Health England, on behalf of the Secretary of State, being involved in all stages of the recruitment and appointment process.

- 10 In order to comply with statutory guidance and the council's employment rules as set out in the constitution (para 4.9.3), it is proposed that the following process is undertaken:

| Activity | Date | By whom |
|--|--|-----------------------------------|
| Select agency and agree brief | July 2017 | Hoople Resourcing |
| Candidate search and long listing | August – September 2017 | Agency |
| Shortlisting and interviews | End of September/ October 2017 | Appointment committee (see below) |
| Preferred candidate selected and recommendation made to employment panel | October 2017 | Appointment committee |
| Offer of appointment approved | October 2017 | Employment panel |
| Appointee starts in post | October 2017 – January 2018 (depending on notice period) | |

- 11 The Department of Health's guidance specifies the composition of the appointments committee. Accordingly, it is proposed that the committee shall comprise:
- An elected member, for example the Cabinet member for health and wellbeing, who is also chair of the Health and Wellbeing Board
 - The chief executive or their nominated deputy
 - The Public Health England (PHE) regional director, or another senior professionally qualified member of PHE acting on their behalf
 - An external professional assessor appointed after consultation with the Faculty of Public Health
 - Senior NHS representation as advised by Public Health England
- 12 The strategic importance of the role warrants an open market recruitment process. It is proposed that a nationwide search is undertaken and that a specialist recruitment agency supports the recruitment and selection of the best candidates on behalf of the council. The cost of this will be capped at £20k, although it is anticipated that costs will fall well below this. The council is recruiting to another senior post within a similar timeframe and a discount for appointing to both posts will be sought.
- 13 In accordance with Department of Health guidance, the role profile for the director of public health must be agreed with the Faculty of Public Health. A draft role profile for the employment panel's consideration is attached at appendix 1 and subject to any comments from the employment panel, the role profile will be submitted to the faculty for approval.

- 14 The timetable for recruitment is such that it is likely there will be a period between the current arrangement ending and a new appointee taking up post. The chief executive will take steps to ensure interim arrangements are in place and will report such arrangements to the panel.

Terms and conditions

- 15 It is open to the council to determine the pay and conditions for the director of public health post.
- 16 The Hay job evaluation system is used for chief officer posts in the council and the director of public health post has previously been graded on HoS1 (£78,102 – £82,374).
- 17 National salary benchmarking indicates that a typical salary range on appointment for this post is £90,000 - £95,000. This equates to the NHS agenda for change pay scale band 9.
- 18 In order to attract a reasonable field of suitable candidates, it is proposed that a market forces supplement of up to £12,000 is applied to this post if necessary. All other terms and conditions will be in accordance with the council's terms and conditions of employment for chief officers.

Community impact

- 19 The post holder provides strategic leadership to a key council service delivery area. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Equality duty

- 20 The recommendations in this report and the recruitment and selection process take full account of this legislation and will ensure the council's equality duty is met.

Financial implications

- 21 The establishment budget for this post is available if an appointment is made for three days a week. Any appointment made for more than three days a week will result in a salary shortfall and this will be met from within the public health grant.
- 22 The additional costs of recruiting to this post will be capped at a maximum of £20k and these recruitment costs will be met from within the public health budget line in the adults and wellbeing directorate.

Legal implications

- 23 Section 30 of the Health and Social Care 2012 Act requires each top tier local authority, acting jointly with the Secretary of State to appoint a director of public health whose role is integral to the duties for health improvement and health protection.
- 24 Under the council's employment rules, paragraph 4.9.20 provides that every appointment of any officer specified in paragraph 4.9.3 (which includes director of public health) shall be made by the employment panel.

- 25 The market forces supplement proposal in paragraph 18 exceeds the council's current policy. The council's policy does not provide for unique posts where there is a national skills shortage and the supplement is deemed necessary in order to attract an appropriately qualified candidate. Any supplement applied will be reviewed no less frequently than every 2 years and will be withdrawn if the market conditions become more favourable.

Risk management

- 26 The risks of not being able to successfully recruit to the role have been considered and mitigated by proposing the council invests in specialist recruitment expertise to undertake the search and that a market forces supplement is available to attract the right candidate.

Consultees

- 27 Shropshire County Council have been consulted about bringing the current shared arrangement to an end and initial soundings have been taken from Public Health England about the recruitment process.

Appendices

Appendix 1 - Draft role profile

Background papers

None identified.