

Agenda

Employment panel

Date: **Tuesday 15 February 2022**

Time: **3.30 pm**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Governance Support

Tel: 01432 261699

Email: governancesupportteam@herefordshire.gov.uk

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Agenda for the meeting of the Employment panel

Membership

Chairperson **Councillor David Hitchiner**
Vice-chairperson **Councillor Ellie Chowns**

Councillor Tony Johnson
Councillor Liz Harvey
Councillor Terry James

Agenda

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any member nominated to attend the meeting in place of a member of the panel.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
<p>4. MINUTES</p> <p>To approve the minutes of the meeting held on 17 January 2022.</p>	9 - 10
<p>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 9 February at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
<p>6. QUESTIONS FROM COUNCILLORS</p> <p>To receive any written questions from councillors.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 9 February at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
<p>7. RECRUITMENT OF DIRECTOR OF GOVERNANCE AND LAW</p> <p>To agree the recruitment process for the director of governance and law and make a recommendation to full council for the designation of monitoring officer.</p>	11 - 16

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We will review and update this guidance in line with Government advice and restrictions. Thank you for your help in keeping Herefordshire Council meetings safe.

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title. Information about councillors is available at www.herefordshire.gov.uk/councillors
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services->

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Employment panel held at online meeting on Monday 17 January 2022 at 12.00 pm

Present: Councillor David Hitchiner (chairperson)
Councillor Ellie Chowns (vice-chairperson)

Councillors: Tony Johnson, Liz Harvey and Terry James

Officers: Assistant director, people and Chief Executive

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The Chair opened the meeting and explained that the meeting was being held virtually in response to the Government's direction to work from home wherever possible. Although there was an absence of legislation authorising remote decision making, the agenda for this meeting did not require the Employment Panel to act as a decision making body and so the panel could still debate the issues publicly and make recommendations to Council in a virtual meeting.

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51. APOLOGIES FOR ABSENCE

There were no apologies for absence.

52. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes.

53. DECLARATIONS OF INTEREST

There were no declarations of interest.

54. MINUTES

It was resolved that:

the minutes of the meetings held on 15 and 24 November 2021 be approved.

55. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

56. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

57. PAY POLICY STATEMENT

The assistant director, people introduced the report. The panel heard that the annual pay policy statement set out a record of policies currently in place and did not introduce or

set new policy. The panel had previously requested that information on the gender pay gap be included with the statement and this would be added to the final version presented to Council for approval.

The pay awards for 2021 and 2022 had not yet been made. The lowest two points on the pay scale set out in the table in appendix A risked falling below the national minimum wage in April if no announcements were made on the pending pay awards by then. However there were no staff currently employed on those lowest points.

The panel discussed the draft statement. It was proposed that the council should adopt the national living wage as the minimum pay grade. It was agreed that the chief executive be asked to explore the implications for the council, including the impact on local authority maintained schools and on council suppliers. This would be brought back to a future meeting of the panel.

It was resolved that:

(a) The pay policy statement at appendix A is recommended to Full Council, subject to the inclusion of information on the gender pay gap.

The meeting ended at 12.39 pm

Chairperson



Title of report: Recruitment of Director of Governance and Law

Meeting: Employment panel

Meeting date: Tuesday 15 February 2022

Report by: Director of Human Resources and Organisational Development

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To agree the recruitment process for the director of governance and law and make a recommendation to full council for the designation of monitoring officer.

Recommendation(s)

That:

- (a) Recruitment for the Director of Governance and Law is initiated in line with the estimated timescales set out in paragraph 8 below;**
- (b) Employment panel endorses the recruitment plan and delegates long listing to the Chief Executive and Director of Human Resources and Organisational development; and**
- (c) Employment panel recommends to full council that the post of (Interim) Director of Governance and Law is designated as Monitoring Officer from 21 March 2022.**

Alternative options

1. Not to recruit to the post of director of governance and law at this time. This option is not recommended because it is important the council has consistent and effective strategic leadership in place across the key council functions.
2. Not to engage a specialist recruitment agency to undertake the search and instead recruit to the role in house. This is not recommended because the recruitment market is particularly challenging for recruiters at the moment. A recruitment agency with a national profile and established list of contacts will be able to undertake a proactive search for the right candidate.
3. To make alternative recommendations to full council for the designation of monitoring officer. This is not recommended because the post of director of governance and law, whether filled on a permanent or interim basis, will be the council's most senior solicitor and is best placed to hold the designation of monitoring officer.

Key considerations

1. The council's director of governance and law is leaving the council on 20 March 2022.
2. The role, responsibilities and position in the organisation of the director of governance and law (formerly known as solicitor to the council) have been reviewed in the last year as part of the wider management board restructure. The role covers four key areas:
 - Most senior solicitor in the council and professional lead for legal services
 - Member of the council's management board and key contributor to the overall leadership and management of the council.
 - Director for a portfolio of services which includes democratic services, registrars, coroner service, legal services and elections
 - Monitoring officer
3. Having recently had a fresh look at the role and how it functions, it is proposed to recruit to the post on a like for like basis. The role is key to ensuring that the council acts lawfully and it holds key responsibility for delivering on rethinking governance and the operational changes required to enhance the cabinet model, supporting the council through the children's services improvement journey and notable cases learning and review. It is a critical time for the council to ensure good decision making is retained.
4. Appointment to the post of director of governance and law is made by employment panel and designation of the role of monitoring officer is carried out by Full Council.
5. It will not be possible to recruit permanently to this post before the current post holder leaves and the chief executive intends to search for interim agency cover for the director of governance and law. Cover should be in place from mid-march, until the post is filled and employment panel are asked to recommend to Full Council that the post of interim director of governance and law is designated monitoring officer from 21 March 2022.

6. Given the pressures on the service, the need for clear leadership and a desire for as much continuity as possible the chief executive also intends to extend the contract of the interim head of legal services to provide much needed continuity and senior leadership to the team throughout the recruitment process.
7. The interim head of legal services will continue to act as deputy monitoring officer on an interim basis whilst plans are put in place to recruit to the senior roles in the legal services restructure (subject to staff consultation).
8. The recruitment market is particularly challenging at the moment and it is proposed that the recruitment process is managed by a specialist agency with the necessary skills, network and resources to 'head hunt' a field of qualified candidates. A draft timetable for the permanent recruitment process is pasted below.

When (estimate)	Activity	By whom
February	Select and brief agency	Director of HR&OD
Mid Feb- Mid March	Candidate search	Agency
w/c 21 March	Longlisting	Chief Executive and Director of HR&OD
w/c 28 March	Shortlisting	Employment Panel
w/c 4 April	Selection process	Employment Panel

Community impact

9. In accordance with the adopted code of corporate governance, Herefordshire Council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.
10. The post holder for this role provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

11. The council's directors have shared responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes within these plans.

Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
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;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The council's policies in relation to job evaluation and recruitment and selection pay full regard to the council's responsibilities as set out in the public sector equality duty.

Resource implications

14. The salary for this post is currently £83,492 - £88,058 (pay award pending), and the salary costs will be met from within the existing directorate revenue budget.
15. The costs for recruiting to the post are not yet known as a procurement exercise will be undertaken in accordance with the council's contract procedure rules to obtain the best possible value for money. Previous recruitment costs for senior posts have been approximately £20,000 per role. Recruitment costs will be met from within the directorate's existing budget.
16. The financial estimates below are based on the assumption that a new appointee will need to give notice to their current employer and will not be available to start with Herefordshire until July 2022. It is also assumed the new appointee will start on the top of the scale.

Revenue budget implications	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
Salary	0	66	88	154
Specialist recruitment agency	20	0	0	20
TOTAL	20	66	88	174

Legal implications

17. In accordance with 4.9.12 of the constitution the head of paid service (chief executive) can make such interim arrangements for contracts of services to ensure the statutory functions of the council are fulfilled.
18. The council is required to designate a suitably qualified officer to act as Monitoring Officer as prescribed in the Local Government and Housing Act 1989. This designation will be on an interim basis from 21 March 2022 and then permanent when an appointment is made.
19. The Local Authorities (Standing Orders) (England) Regulations 2001, SI 2001/3384 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, SI 2015/881 say that where executive arrangements (Cabinet) are in place, the appointment of Chief Officers and Statutory Chief Officers and deputy chief officers, including their dismissal and the terms and conditions upon which they are appointed, is a function reserved to the Council.
20. Section 9 Employment Rules of the council's constitution accords with the legislation and provides that the shortlisting and interview of candidates for this permanent post will be carried out by the employment panel. The employment panel is able to delegate these functions to the Head of Paid Service and it is suggested in this report that long listing is delegated.

Risk management

21.

Risk / opportunity	Mitigation
The council will not be able to recruit to the director of governance and law	This risk has been mitigated by proposing a specialist recruitment agency is engaged to undertake a national search for the right candidate.

Consultees

22. The Chief Executive has informally consulted group leaders on the proposals and directly affected staff have been informed.

Appendices

None

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Claire Ward	Date 31/01/2022
Finance	Audrey Clements	Date 31/01/2022
Legal	Claire Ward	Date 31/01/2022
Communications	Luenne Featherstone	Date 31/01/2022
Equality Duty	Carol Trachonitis	Date 31/01/2022
Risk	Kevin Lloyd	Date 31/01/2022
Approved by	Paul Walker	Date 07/02/2022