

## **Title of report: Appointment of Acting Director, Adults and Communities**

**Meeting: Employment panel**

**Meeting date: Wednesday 12 May 2021**

**Report by: Assistant Director, People**

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

(All Wards);

### **Purpose**

To agree the appointment arrangements for an interim director for adults and communities, following the resignation of the current post holder.

### **Recommendation(s)**

That:

- a) **Employment panel support the plan to make a temporary appointment to the role of director for adults and communities;**
- b) **Employment panel delegate the recruitment of a temporary director for adults and communities to the chief executive; and**
- c) **If a suitable internal candidate cannot be found, employment panel supports the chief executive's plan to recruit a suitably qualified external interim, on a contract for services basis.**

## **Alternative options**

1. To commence recruitment of a substantive director for adults and communities immediately. This is not recommended because due to the timescales involved in making a substantive appointment the need to make some temporary arrangement is inevitable.
2. To not to recruit to the post at all. This is not recommended because in this council, the director for adults and communities role also holds the statutory DASS (Director of Adults Social Services) function and the council is required to designate a suitably qualified officer to act as the DASS.
3. To not delegate the internal part of this recruitment process to the chief executive. This is not recommended because the chief executive is an experienced and capable recruiter and in carrying out both the internal and external search the process would be more timely and consistent.
4. To not seek an internal candidate and instead decide to recruit from the external interim market in the first instance. This is not recommend because the council aims to encourage staff development and if there is a suitably qualified and experienced candidate internally, it would be preferable to appoint from within. In the event that no internal candidates are appointable, sufficient time has been built into the timetable to allow an external interim to be recruited.

## **Key considerations**

5. The current director has resigned from his post and leaves the council at the start of July 2021.
6. To allow sufficient time to consider the council's management structures as a whole, and to undertake a robust external recruitment process for a substantive appointment later in the year, it is recommended that an interim appointment is made.
7. In order to fill this post the council has two options; either to make a temporary appointment from within the organisation on an acting basis or to seek an interim from the external market on a contract for services basis. The council's employment rules delegate authority to carry out these activities differently. Employment panel has the authority to make appointments to this role on a temporary basis from internal staff and the chief executive has authority to make appointments from the external market on a contract for services basis.
8. For reasons of expediency and consistency, employment panel is requested to delegate authority to the chief executive to undertake the internal process in conjunction with the cabinet member for health and adult wellbeing. The chief executive intends to carry out an open and competitive process internally within the council to identify if there are any suitable qualified candidates to undertake the role on an acting basis.

9. If an internal candidate is appointable then subject to no valid objections from cabinet members within a specified timeframe, the chief executive will make an internal temporary appointment.
10. If no internal candidates are appointable at this time, the chief executive intends to make an external appointment on a contract for services basis until a substantive appointment is made.
11. In all decisions the chief executive will work closely with the cabinet member, health and adult wellbeing.

### **Community impact**

12. 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.
13. 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.

### **Environmental Impact**

14. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy by providing electronic copies of this report.

### **Equality duty**

15. 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.

The council's policies in relation to job evaluation, recruitment and selection pay full regard to the public sector equality duty.

## Resource implications

16. The establishment budget is available for this post and any internal appointment will be made within this budget.
17. The gross salary for this post is £130,865. This salary is set out in the council's pay policy statement and was approved at full council on 12 February 2021.

Revenue budget implications	2021/22	2022/23	2023/24	Future Years	Total
Salary costs (9 months)	£98,148				£98,148
<b>TOTAL</b>					

## Legal implications

18. The council is required to designate a suitably qualified officer to act as Director of Adult Social Services (DASS) as prescribed in the Children Act 2004 (which amended the Local Authority Social Services Act 1970).
19. Local authorities are required to ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services. The Director of Adult Social Services is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority, The appointment of the Director of Adult Social Services is not a function of the executive and is the responsibility of Full Council. The Council have delegated this function to the employment panel, which is set out in the constitution at paragraph 4.9.1.
20. Paragraph 4.9.19 of the constitution provides that the short-listing and interview of candidates for this post will be carried out by the employment panel.
21. The Localism Act 2011 provides that the council's pay policy statement must be approved by council. The salary specified in paragraph 17 of this report is set out in the council's pay policy statement and was approved at full council on 12 February 2021.

## Risk management

22. See table.

Risk	Mitigation
The risks posed by COVID-19 will prevent the council from carrying out a robust selection process.	The council has experience of successfully appointing to key roles using digital platforms and involving key stakeholders, should that be necessary.
No internal candidates apply for the role or are appointable	Sufficient time is built into the plan to ensure that if internal recruitment is not successful the council is able to recruit externally.

## Consultees

23. The cabinet member health and adult wellbeing has been consulted on these proposals and is supportive.

## Appendices

None

## Background papers

None identified