

Title of report: Appointment of Corporate Directors and Director of Public Health

Meeting: Employment panel

Meeting date: Monday 9 August 2021

Report by: Assistant Director, People

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To agree the recruitment process for Corporate Director Children and Young People, Corporate Director Community Wellbeing and Director of Public Health.

Recommendation(s)

That:

- (a) Recruitment for the Corporate Director Children and Young People, Corporate Director Community Wellbeing and Director of Public Health is initiated in line with the estimated timescales set out in paragraph 12 below; and**
- (b) The employment panel endorses the recruitment plan and delegates long listing to the Chief Executive and Assistant Director, People.**

Alternative options

1. Not to recruit Corporate Directors or a Director of Public Health at this time and instead retain the current acting arrangements. This option is not recommended because the current arrangements are designed to be a temporary holding position and 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 roles 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 candidates.

Key considerations

Corporate Directors

1. The Directors for Adults and Communities and Children and Families have left the council in the last 12 months. Both posts are currently being filled on a temporary or interim basis.
2. The council's Chief Executive commenced in post in May 2021 and with vacancies at a senior level has taken the opportunity to review the senior management structure.
3. The Chief Executive has identified the need to have effective corporate leadership across the whole council to enable a one Herefordshire approach and it is proposed to re-designate the council's director posts as corporate directors, with renewed corporate wide focus.
4. In reviewing the structure, the Chief Executive considered the option of appointing a Corporate Director for People to work across adults and children. This is a model which works well in other organisations. However, given the serious position of the council's children's services it is deemed important to have an undiluted focus on leadership in children's services. It is proposed to keep the adults and children's functions separate by recruiting a Corporate Director for Children and Young People and a Corporate Director for Community Wellbeing.
5. The changes to the corporate director roles do not affect the relative size, scope and responsibility of the roles and the current job evaluated salary of £130,860 for each of the posts remains valid.
6. Throughout August, the Chief Executive will consult with the wider management board about proposed changes to the assistant director roles and to the functions that sit beneath the new corporate director roles. The purpose of the changes will be to ensure the council has good leadership throughout its senior team and a proposed structure chart is in Appendix B

7. As part of the proposed changes, the current Assistant Director roles will be retitled 'Service Director'. The change in designation will not in itself affect the grading for the roles as the council's job evaluation system determines grades based on the relative size and responsibilities of job roles rather than job titles. The Chief Executive will also appoint a Director of Transformation, on a contract for services basis for a temporary period of 18-24 months. This role will lead council wide transformation and will leave the council with modern and efficient ways of working and serving communities.
8. The Chief Executive has consulted group leaders and cabinet members on the proposals but as the consultation process with directly affected staff is ongoing, details of the wider proposed changes to the structure are not included in this report.

Director of Public Health

9. In addition to the need to recruit to the new corporate director roles, the council's Director of Public Health left the council in 2020. It is a statutory requirement to appoint a Director of Public Health and since December 2020 the council has filled the post on an acting basis.
10. The Chief Executive has reviewed the Director of Public Health role and proposes that it will be line managed by the Director for Community Wellbeing with a clear line of accountability to the Chief Executive. Any proposed changes to the Director of Public Health role do not affect the relative size, scope and responsibility of the role and the current job evaluated salary of HOS1 (£83,492 – £88,058) for the post remains valid. However, 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 and in order to attract a reasonable field of suitable candidates, a market forces supplement will be 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.

Recruitment

11. Paragraph 4.9.19 of the constitution provides that the shortlisting and interview of candidates for the corporate director roles will be carried out by the employment panel. It is proposed that long listing is delegated to the chief executive. In accordance with the provisions of the Health and Social Care Act 2012, the recruitment process for the Director of Public Health will be undertaken jointly with the Secretary of State for Health via the Regional Director for Public Health
12. The recruitment market is particularly challenging at the moment and it is proposed that the recruitment process for these roles is managed by a specialist agency with the necessary skills, network and resources to 'head hunt' a field of qualified candidates. Recruitment agencies will be invited to bid for the work through the council's procurement portal and a draft timetable for the recruitment process is pasted below.

When (estimate)	Activity	By whom
Early August	Select and brief agency	Chief Executive
Late August/ September	Candidate search	Agency
w/c 27 September	Longlisting	Chief Executive
w/c 4 Oct	Shortlisting	Employment Panel
w/c 18 Oct	Selection process	Employment Panel

Community impact

13. 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.
14. The post holders for these roles provide strategic leadership to council services and have 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

15. The council's corporate 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

16. 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.

17. 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

18. The establishment budget is available for these posts and any appointments will be made within this budget.
19. The gross salary for the corporate director posts is currently £130,860, and the salary costs will be met from within the existing directorate revenue budget.
20. The gross salary for the Director of Public Health post is currently £83,492 – £88,058. It is possible that a market forces supplement will be required and for the purposes of this report it is assumed that it will be at £10,000 per annum. The salary costs will be met from within the existing directorate revenue budget.
21. The costs for recruiting to the post are not yet known as a procurement exercise will be undertaken to obtain the best possible value for money. Previous recruitment costs for senior posts have been approximately £20,000 per role although it is anticipated that there will be economies of scale in recruiting to multiple posts. Recruitment costs will be met from within the directorate's existing budget.
22. The financial estimates below are based on the assumption that a new appointees will need to give notice to their current employers and will not be available to start with Herefordshire until January 2022.

Revenue budget implications	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000
Salary - Corporate Director, Community Wellbeing	32.5	130	130	292.5
Salary - Corporate Director, Children and Young People	32.5	130	130	292.5
Salary – Director of Public Health	24.5	98	98	220.5
Specialist recruitment agency or agencies (see above assumption)	60	0	0	60
TOTAL	149.5	358	358	

Legal implications

23. 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).

24. The council is required to designate a suitable qualified officer as Director of Children's services (DCS) as prescribed in Section 18 of the Children Act 2004.
25. The Director of Public Health is a statutory chief officer and the principal advisor on all health matters to elected members and officers, with a leadership role across health improvement, health protection and healthcare public health. The Health and Social Care Act 2012 states that councils must, acting jointly with the Secretary of State for Health and Social Care, appoint an individual to have responsibility for its public health functions under the Act.
26. The Localism Act 2011 provides that the council's pay policy statement must be approved at full council. The salaries specified in paragraphs 5 and 10 of this report are set out in the council's pay policy statement and that was approved at full council on 12 February 2021.
27. 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/Leader model) 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. This means that these decisions are either taken by the Council itself, a Committee or an officer; and
28. Where and cabinet executive arrangements are in place, they will be involved in the decisions to appoint or dismiss a chief officer and deputy chief officer in two distinct ways:
 - a. where a committee or a sub-committee of the council is discharging, on behalf of the authority, the function of appointment or dismissal, then at least one member of the cabinet must be a member of that committee or sub-committee. Where the appointment is for the Director of Public Health this process is undertaken jointly with the Secretary of State for Health in accordance with s73A National Health Service Act 2006.; and
 - b. before an offer of appointment or notice of dismissal is issued, the members of the cabinet must be informed of the prospective decision and the leader may make representations concerning their 'material and well founded' objection to the decision maker.
29. Any employee employed by the council must be employed on the council's normal terms and conditions and will be subject to all relevant policies and procedures as any other employee would be.
30. Section 9 Employment Rules of the council's constitution accords with the legislation and provides that the shortlisting and interview of candidates for these posts will be carried out by the employment panel. The employment panel is able to delegate these functions to the Head of Paid Service.

Risk management

31.

Risk / opportunity	Mitigation
The council will not be able to recruit to the corporate director or director of public health roles.	This risk has been mitigated by proposing a specialist recruitment agency is engaged to undertake a national search for the right candidate.
The Director of Public Health role is being filled on an acting basis and this arrangement is due to expire in December 2021.	Should the council be unable to put permanent arrangements in place before December 2021, the Chief Executive will consult Public Health England about extending the current acting arrangements until a substantive appointment is made.

Consultees

32. The Chief Executive has consulted group leaders and cabinet members on the proposals for a new management structure going forwards. Consultation has also commenced with core management board members in line with the council's HR policies.

Appendices

Appendix A – current structure chart

Appendix B – proposed structure chart

Background papers

None identified