

Title of report: Appointment of Corporate Directors

Meeting: Employment panel

Meeting date: Monday 15 November 2021

Report by: Assistant director, people

Classification

Fully exempt

This report is exempt by virtue of the paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.

- 1 Information related to any individual

And the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To agree appointments for the council's three corporate director posts following a national recruitment campaign and rigorous selection process.

Recommendation(s)

That:

- a) Subject to no valid objections being received from cabinet members by 4.00pm on 16 November [insert name of candidate] is appointed as Corporate Director, Children and Young People.**
- b) Subject to no valid objections being received from cabinet members by 4.00pm on 16 November [insert name of candidate] is appointed as Corporate Director, Community Wellbeing.**
- c) Subject to no valid objections being received from cabinet members by 4.00pm on 16 November [insert name of candidate] is appointed as Corporate Director, Economy and Environment.**

Alternative options

1. If employment panel determines that none of the candidates are appointable as Corporate Director, Children and Young People at this time, panel members can initiate a new search for the right candidate.
2. If employment panel determines that none of the candidates are appointable as Corporate Director, Community Wellbeing at this time, panel members can initiate a new search for the right candidate.
3. If employment panel determines that none of the candidates are appointable as Corporate Director, Economy and Environment at this time, panel members can initiate a new search for the right candidate.

Key considerations

1. In September 2021 a recruitment agency was engaged to undertake a national search for candidates for three corporate director roles. On 3 November 2021 employment panel considered applications for the posts and drew up a shortlist of candidates to invite for interview.
2. The shortlisted candidates were interviewed by employment panel on the following dates:
 - I. Corporate Director, Children and Young People – 9 November 2021
 - II. Corporate Director, Community Wellbeing – 10 November 2021
 - III. Corporate Director, Economy and Environment – 12 November 2021
3. Under the council's employment rules (section 4, part 9 Herefordshire Council Constitution) the shortlisting, interview and selection for these roles is undertaken by employment panel.

4. The Corporate Director, Children and Young people will act as Director of Children's services (DCS) as prescribed in Section 18 of the Children Act 2004.
5. The Corporate Director, Community Wellbeing will act as Director of Adult Social Services (DASS) as prescribed in the Children Act 2004 (which amended the Local authority Social services Act 1970).
6. After a full and rigorous selection process, employment panel is asked to appoint:
 - I. [name to be confirmed] as Corporate Director, Children and Young People
 - II. [name to be confirmed] as Corporate Director, Community Wellbeing
 - III. [name to be confirmed] as Corporate Director, Economy and Environment
7. These appointments are subject to no valid objections being received from cabinet members within the timeframe specified.

Community impact

8. 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.
9. 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

10. 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

11. 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 and recruitment and selection pay full regard to the council’s responsibilities as set out in the public sector equality duty. The council is a disability confident employer and the council encourages applications from candidates from diverse backgrounds.

Resource implications

- 12. The establishment budget is available for these posts and any appointments will be made within this budget.
- 13. 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.
- 14. For the purposes of this report, a start date of 1 March 2022 is assumed.

Revenue budget implications	2021/22	2022/23	2023/24	Future Years	
	£	£	£	£	
Salary for CD, Children and Young People	10	130	130	130	
Salary for CD, Community Wellbeing	10	130	130	130	
Salary for CD, Economy and Environment	10	130	130	130	
TOTAL	30	390	390	390	

Legal implications

- 15. 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).
- 16. 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.
- 17. The Localism Act 2011 provides that the council’s pay policy statement must be approved at full council. The salary specified in paragraph 13 of this report is set out in the council’s pay policy statement and that was approved at full council on 12 February 2021.
- 18. 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

19. Where 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.

20. 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.

21. 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.

Risk management

22.

Risk / opportunity	Mitigation
The council will not be able to recruit to the corporate director roles.	A specialist recruitment agency has been engaged to undertake a national search for the right candidate.
The risks posed by COVID-19 will prevent employment panel from interviewing candidates in person.	Contingency plans are in place to hold the selection process remotely using digital platforms should that be necessary.

Consultees

23. In accordance with the council's employment rules, cabinet members will be consulted on the proposed appointments before an offer of appointment is confirmed.
24. Key stakeholders including cabinet members, public sector partners such as the police and health and representative from local business have been invited to participate in the selection process.

Appendices

None

Background papers

None identified.

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 22/10/2021
Finance	Audrey Clements	Date 20/10/2021
Legal	Kate Charlton	Date 01/11/2021
Communications	Luenne Fetherstone	Date 21/10/2021
Equality Duty	Carol Trachonitis	Date 21/10/2021
Risk	Paul Harris	Date 28/10/2021

Approved by Paul Walker Date 03/11/2021