

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