

Staffing Matters and Urgency Committee

26th June 2023

Report of the Chief Operating Officer

Portfolio of the Executive Member for Adult Social Care and Public Health

Appointment of Public Health Roles and Temporary Arrangements

Summary

1. This report seeks the approval of the committee to
 - a. recruit to two key public health posts, the Director of Public Health and the Assistant Director / Consultant in Public Health and therefore, seeking formal approval to establish an Appointments Advisory Committee and to delegate sufficient powers to that Committee to enable them to conduct the recruitment process for both posts together, select and appoint a Director of Public Health and Assistant Director / Consultant in Public Health, subject to the requirements of Council's Constitution and , supplemented by the statutory instrument governing appointments of public health specialists
 - b. endorsement a temporary designation of Director of Public Health to the Public Health Consultant in light of the absence of the substantive Director of Public Health in order to meet the Council's statutory duty to ensure that the Council has a designated and qualified Director.
 - c. engage North Yorkshire Council Council's Resourcing Team to undertake an executive search and assist in the management of the recruitment of the two Chief Officer posts.

Background

2. These Public Health roles are critical to enable the council to deliver its statutory public health duties as set out in the Health and Social Care Act 2012 and associated public health regulations.
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3. The Director of Public Health has announced her retirement from the Council with effect from 31st December 2023 and arrangements are being put in place to ensure a smooth transition to a new postholder on a like for like basis in terms of grade and job description.
4. The Assistant Director of Public Health left the Council to take up a position in another Council in April 2023 and the post has remained vacant since. Approval is sought to fill this vacancy on a like for like basis using the existing job description. There is not a proposal to fill this vacancy on an interim basis full time however, temporary alternative in house arrangements are being made to cover key aspects of this role until the post is filled on a permanent basis again.
5. Whilst the roles of Director of Public Health and Assistant Director of Public Health / Consultant are both currently substantive positions and Budget Council in February 2023 agreed savings requiring a review of senior management / Chief Officer posts, the recruitment to these posts is deemed essential in order to deliver the statutory public health duties, health inequalities and the public health agenda of the new administration. It is not deemed that these posts will be impacted by any changes to the senior management restructure which will be presented to this Committee for approval in the near future. Funding for these posts is from the public health grant.
6. The substantive Director of Public Health is currently absent from work, and provision needs to be made for the role to be filled in order for the Council to meet its statutory responsibilities. The Council can not fulfil its statutory duty without a designated Director of Public Health, even for a short period of time.

Recommendations

7. Staffing Matters and Urgency Committee is requested to:
 - a. Approve the establishment of an Appointments Advisory Committee (AAC) constituted in accordance with NHS Statutory Instruments governing recruitment to a local authority Director of Public Health and a Consultant in Public Health.
 - b. Agree that, in addition to the Executive Member for Adult Social Care and Public Health a representative from the Liberal Democratic group sits on the AAC as nominated by the political group.
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- c. The AAC to be authorised to conduct the interviews, select the successful candidates and make offers of employment subject to the necessary employment procedures of the council and Secretary of State for Health (**paragraphs 23 to 26**).
- d. Confirm the pay package for the Director of Public Health, Assistant Director of Public Health and the Acting up arrangements for the Director of Public Health (which will be as and when required given the substantive postholder absence and up to the appointment of a new postholder) (**paragraphs 16, 17, and 22**)
- e. Approves the engagement of the North Yorkshire County Council Resourcing Team to undertake the recruitment and selection exercise alongside the HR Team and Chief Operating Officer (**paragraphs 27 to 28**)

Reason: to progress the appointments to deliver the council's statutory responsibilities for Public Health.

Background

8. Since 1st April 2013 every upper tier and unitary local authority has a legal duty to improve and protect the public's health. They have taken on critical new functions in public health and now provide local leadership for public health, underpinned by new statutory functions, dedicated resources via the Local Authority Public Health Grant Allocation and an expert public health team led by the local authority Director of Public Health.

Director of Public Health

9. The Director of Public Health is the lead expert in public health for the Council, the City of York and its local community.
 10. The role is a system leader for improving health and wellbeing of residents, reducing health inequalities in health outcomes and protecting local communities from public health hazards (including infectious diseases and environment threats).
 11. The role has an impact on the Council successfully delivering the Councils Public Health responsibilities and achieving the aims and outcomes of Council Plan. The postholder must hold at least a master's
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degree in public health or any other health related field. The post is professionally accountable to the Council and the OHID /DHSC Regional Director of Public Health with managerial accountability to the chief operating officer.

12. Aside from the current postholder, the Council has only one qualified officer who can take on the leading and acting role of the Director of Public Health as registered on the UK Public Health Register. This officer works on a 0.5 FTE basis to the Council with their substantive post based in the Integrated Care Board (ICB).
 13. With the Committees approval, arrangements will be made for a formal secondment to be created for the Public Health Consultant on the basis of 0.75 FTE to undertake the role of acting Director of Public Health for the duration of the current postholders absence. This additional time will be funded from the public health grant and the savings made on the vacancy of the Assistant Director of Public Health.
 14. This acting up will also need to be approved and endorsed by the Regional Director of Public Health at NHS England who has a role in assuring the Secretary of State that all Directors of Public Health, including acting up and interim appointments, are registered on the UK Public Health Register or General Medical Council register and have good standing.
 15. At this stage, the current postholders absence is an unknown length of time but the Council needs to ensure that appropriate arrangements are in place to meet the statutory duties. It is deemed in consultation with the ICB that 0.75 FTE capacity with the support of the Nurse Consultant and other officers in the public health team acting up that this is a viable and legitimate short term option to deliver of the ambitions and public health agenda and comply with the Council's statutory duties.
 16. At this stage it is not clear of the funding required for an Acting up arrangement but the difference between the Public Health Consultant's current pay and the Director of Public Health's pay on a 75% pro rata basis will be paid for the relevant duration where the substantive post holder is unavailable to exercise the Statutory functions and duties of the Director of Public Health.
 17. The Director of Public Health vacancy will be advertised at the Director Grade which ranges from £96,574 to £106,857, which with oncosts equates to £123,614 to £136,776.
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Assistant Director of Public Health

18. Consultants in Public Health (“Consultants”) are a key part of the public health workforce. Consultants are required to have a broad understanding of all the factors that contribute to health and health inequalities, including the structure of healthcare systems and services, central and local government policy and how to interpret data effectively. They need to be skilled at evaluating evidence to develop and implement approaches for improving and protecting health and health services. They must be able to work on multiple projects and programmes at the same time and must be able to respond quickly and effectively to health protection incidents and other emergencies, including disease outbreaks.
19. Consultants must have a Masters level qualification in public health and are registered on the General Medical Council, General Dental Council or UK Public Health Register. They are also required to undertake Continual Professional Development, annual professional appraisal and five yearly revalidation to ensure they remain on the relevant specialist register and are licensed to practise.
20. The above means that the Consultant is qualified to Faculty of Public Health standards and formerly regulated, including procedures to identify fitness for practise and apply sanctions if necessary.
21. A Consultant working in a local authority must be able to evidence they are competent to work across all three domains of public health: health protection, health improvement and the provision of health care and related services.
22. The Assistant Director of Public Health vacancy will be advertised at the Assistant Director Grade which ranges from £79,194 to £87,761, which with oncosts equates to £101,368 to £112,334.

Advisory Appointments Committee

23. The constitution of an Advisory Appointments Committee (AAC) is laid down in statute. An AAC is the name of the panel under NHS (Appointment of Consultants) Regulations used to make the selection of consultant appointments, including local authority Consultant positions.
 24. The AAC has to be constituted in such a way to ensure that the panel members have the right knowledge and experience to be able to assess
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candidates' suitability for Consultant roles. The AAC will be convened in accordance with the recruitment policies and procedures of the local authority employer.

25. As a minimum the AAC should comprise the following:

- Executive Member for Adult Social Care and Public Health as Chair of the panel
- Director of Public Health
- A regional director from the Office of Health Improvement and Disparities or other senior representative acting on behalf of the regional director
- External assessor appointed in consultation with the Faculty of Public Health
- Senior NHS representation from the Humber and North Yorkshire Integrated Care Board

26. For the purpose of these appointments, the council's current Constitution for an Appointments Committee will need to be amended to reflect the joint nature of the appointment with the Office of Health Improvement and Disparities on behalf of the Secretary of State for Health but would include at least one member of the Executive to shortlist and interview applicants for the position and to determine who should be offered the vacant post.

Attracting the right Calibre of Candidates

27. To attract the strongest field of candidates with the right knowledge and skills it is recommended that North Yorkshire Council (NYC) Resourcing Team carry out the external recruitment exercise, and are engaged to support the Appointments Sub-Committee.

28. Costs for this are in the region of £6500 (plus specialist advertising / media costs which vary) and NYC Resourcing offer of a full service from advert to appointment working with the Council's HR Recruitment team. The North Yorkshire team are experienced of working with City of York Council Members, following the Council's Chief officer appointment protocol and also have experience of recruiting to the post of director of public health and public health consultants for North Yorkshire Council and other Councils. There is executive search service available from City of York Trading / Work with York, however on this occasion due to the statutory requirements, experience of North Yorkshire Resourcing Team

recruiting to public health posts it is recommended that they are the preferred provider.

29. The two roles will be advertised at the same time, a micro site will be created to advertise and promote the roles to reduce costs. It is anticipated that the Director of Public Health will be appointed first, and the appointee can then be involved in the appointment of the Assistant Director Public Health, shortly after. It is envisaged that with an estimated three to possibly six months' notice period and commencing the recruitment process early July, both posts may be recruited to by late December 2023 to mid-January 2024.

Consultation

30. Consultation has taken place with members of CMT and the Council's public health team. Further discussions following approval will take place with Office of Health Improvement and Disparities, Faculty of Public Health, NHS Humber and North Yorkshire Integrated Care Board. Trade unions will also be informed of the proposal.

Options / Analysis

31. The recommended option is for Members to agree to the recommendations set out at paragraph 8 above. The alternative option ('do nothing') is considered inappropriate as the Council would risk failing in its duties to provide appropriate public health services.

Council Plan

32. Making an appointment to these posts will contribute to the delivery of the Council's 3 key priorities, as set out in the Council's Plan 2019-23 (*Making History, Building Communities*), the 10 Year Plan for the City and the Health and Wellbeing Strategy and the Labour Group pledges of health inequalities, environment, affordability human rights and equalities.

Implications

Financial

33. The Assistant Director of Public Health vacancy will be advertised at the Assistant Director Grade which ranges from £79,194 to £87,761, which with oncosts equates to £101,368 to £112,334.
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34. The Director of Public Health vacancy will be advertised at the Director Grade which ranges from £96,574 to £106,857, which with oncosts equates to £123,614 to £136,776.
35. Temporary arrangements to cover the Director of Public Health's absence will be undertaken when required. There will not be a requirement to back fill the current Consultant's role as part of this cover. However, other officers will assist with tasks and duties which may include some acting up arrangements. Savings made on the vacant post of the Assistant Director of Public Health, likely to be up to six months offsets these costs.
36. These posts are funded from the central government Local Authority Public Health Grant Allocation.

Human Resources (HR)

37. The Advisory Appointments Committee will be established in line with the council's constitutional requirements for the recruitment and appointment of chief officers supplemented by the NHS Statutory Instrument governing the appointment of Consultants in Public Health.

Equalities

38. The post will be recruited in accordance with the council's Equalities Policy.

Legal

39. The process for appointing officers at this level within public health is regulated by the Local Authority (Standing Orders) (England) Regulations 2001, supplemented by the statutory instrument governing appointments of public health specialists; Standing Orders on appointments and the Statutory Instrument NHS (Appointment of Consultants) Regulations 1996 as amended (S.I. 1996/701 as amended by S.I.2002/2469, S.I.2003/1250, S.I.2004/696 and S.I.2004/3365).

Risk Management

40. Failure to recruit to these posts may put the council at significant risk of failing to deliver the statutory duties set out in government regulations for public health. Any failure to deliver these statutory duties may have a
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significant negative impact on the health and wellbeing of the local population in York.

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**



Date 14/6/2023

Specialist Implications Officer(s)

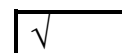
Debbie Mitchell – Chief Finance officer

Bryn Roberts – Director of Governance and Monitoring Officer

Helen Whiting - Head of Human Resources

Wards Affected: [List wards or tick box to indicate all]

All



For further information please contact the author of the report

Background Papers:

Guidance on the Appointment of Consultants in Public Health in Local Government and Higher Education Institutions

<https://www.fph.org.uk/media/3114/1-consultant-in-public-health-guidance-on-appointments.pdf>

Guidance on the Appointment of Directors of Public Health in Local Government

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/213008/DsPH-in-local-government-ii-guidance-on-appointments.pdf
