

Appointment of Assistant Director (Consultant) in Public Health

Summary

1. This report seeks formal approval to establish an Appointments Committee and to delegate sufficient powers to that Committee to enable them to conduct the recruitment process, select and appoint an Assistant Director (Consultant) in Public Health, subject to the requirements of the 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).

Background

2. Statutory responsibility for the delivery of public health services transferred from the NHS to the Council on 1 April 2013, as conferred by the Health and Social Care Act 2012. Consultant in Public Health posts transferred to the Council under these arrangements.
3. There has been a period of transition since the transfer of Public Health duties to the Council and a new structure for public health has been implemented with effect from 1 June 2015. The primary objective of the revised structure is to deliver a public health service which is fit for purpose and enables the Council to meet its ongoing responsibilities for mandated public health functions set out in government regulations, and for improving the health and wellbeing of York's residents.
4. The Council is still developing its Public Health function post transition but it is important that we do not lose momentum in our work to improve health and wellbeing and tackle inequalities and the need to secure the ongoing strategic leadership of our Public Health services is key to this.
5. The new Public Health structure implemented from 1 June 2015 has two Consultant in Public Health posts, which are both vacant. This report is

seeking approval to appoint an Assistant Director (Consultant) in Public Health to one of these vacancies as a joint post with North Yorkshire County Council and the Vale of York Clinical Commissioning Group. The remaining Consultant post will be kept vacant pending the wider review of the senior management arrangements in the Council.

The Role

6. One of the mandated public health functions that local authorities are required to deliver includes the provision of specialist public health advice and support to the commissioning of health and care services. The Council has worked with the Vale of York Clinical Commissioning Group to develop a Memorandum of Understanding which agrees the core public health offer to the CCG. A key function of the role of the Assistant Director (Consultant) in Public Health will be to deliver the Memorandum of Understanding and ensure that there is specialist public health advice to support improved health and wellbeing outcomes and better integration across health and social care.
7. The Assistant Director (Consultant) in Public Health will also deputise for the Director of Public Health and have a key role in ensuring that York has effective partnership working with other parts of the NHS and Public Health system such as NHS England and Public Health England.
8. In addition, it is expected that the post holder will have a direct influence on service planning in the Council across all Directorates and on CCG commissioning to improve health and reduce inequalities.
9. The post will be advertised on the CYC Jobs Website, the NHS Jobs Website and in the Health Service Journal as well as being promoted through social media channels and public health networks.

Remuneration Package

10. In advance of the TUPE transfer of staff from the NHS to the Council in 2013, it was agreed that for the purpose of equity in the future appointments to the public health function (post TUPE transfer) would be made in accordance with City of York Council terms and conditions of service and pay grades.
11. The job description for the Assistant Director (Consultant) in Public Health has been job evaluated using the job evaluation scheme for senior roles in the Council and assigned a grade at Assistant Director level i.e. £68,197 to £75,766.

12. Information sourced from Public Health England has confirmed that local authorities who have tested the market have found they needed to offer salaries in this range to secure an appointment.
13. It is anticipated that the position will attract interest from medical and non-medical public health specialists. Eligibility for these roles is strictly governed by the Faculty of Public Health.

Appointments Committee

14. The constitution of an Advisory Appointments Committee (AAC) for Director and Assistant Director (Consultant) in Public Health roles is laid down in statute in accordance with the following regulations:
 - 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)
15. As a minimum, the AAC for the Assistant Director (Consultant) in Public Health would comprise the following:
 - Local Authority elected member as Chair of the panel (known as a lay member)
 - Director of Public Health for the local authority
 - Public Health England (PHE) Regional Director or another senior professionally qualified member of PHE acting on his/her behalf
 - External assessor appointed after consultation with the Faculty of Public Health
 - Senior NHS representation from the Vale of York Clinical Commissioning Group e.g. Chief Clinical Officer or a nominated deputy
16. The local authority may appoint additional members as it considers appropriate but the majority of the committee must consist of the Council and professional members.
17. 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 Public Health England (PHE) 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.
18. The recruitment process is attached at Appendix A outlining the changes in the decision making process, which need to be approved. These would

need to be adopted on this occasion to ensure the appointment conforms to the requirements of the statutory instrument governing appointments at this level within public health.

Consultation

19. Consultation has taken place with the Corporate Management Team, Public Health England, Public Health team and the Trade Unions.

Options / Analysis

20. There are no alternative options for members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post.

Council Plan

21. Making an appointment to this post will contribute to the delivery of the Council Plan and its priorities.

Associated Implications

22. The following implications have been considered:
 - **Financial** - Including employer on costs the total salary costs are estimated at between £88,766 at the bottom of the grade to a maximum of £98,871 if the appointment is made at the top of the grade. This will be funded from the Department of Health Public Health Grant allocation to the Council. Because the geographical footprint of the Vale of York Clinical Commissioning Group includes residents of North Yorkshire County Council, the NYCC Public Health Team will meet a proportion of the costs. The actual amount is being negotiated but is likely to be in the region of £16,000 per annum.
 - **Human Resources** – The job description for the Assistant Director (Consultant) in Public Health has been subject to the Council's established job evaluation mechanism and the salary has been confirmed as £68,197 to £75,766. The Appointments Committee would be in line with the constitutional requirements for the recruitment and appointment of Chief Officers supplemented by the Statutory Instrument governing the appointment of public health specialists at this level.
 - **Equalities** - The post will be recruited to in accordance with the Council's Equalities policy to ensure no candidates receive less favourable treatment on the grounds of a 'protected characteristic'.

- **Legal** – 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 NHS Statutory Instrument governing appointments of medical and non-medical public health specialists.
- **Crime and Disorder** – There are no crime and disorder implications
- **Information Technology (IT)** – There are no IT implications
- **Property** – There are no property implications
- **Other** – There are no other implications.

Risk Management

23. The prospect of no appointment of a delayed appointment puts the Council at risk of failing to meet the statutory duties set out in government regulations for public health.
24. Failure to deliver on the statutory duties could seriously impact on the health and wellbeing of the population of York.

Recommendations

25. It is recommended that Staffing Matters and Urgency Committee:
 - a) Approve the filling of the position of Assistant Director (Consultant) in Public Health on a permanent basis on Chief Officer grade 10 £68,197 to £75,766
 - b) Approve the advertising of this opportunity on the CYC Jobs Website, the NHS Jobs Website and in a hard copy journal such as the Health Service Journal as well as promoting the opportunity using social media channels and public health networks.
 - c) Approve the establishment of an Advisory Appointments Committee, constituted in accordance with NHS Statutory Instruments governing recruitment to consultant level roles in the NHS.
 - d) Agree that in addition to the Chair of the Health and Wellbeing Board a representative from the Conservative and Labour groups sits on the advisory appointment committee as nominated by the respective political group.

e) The Advisory Appointments Committee to be authorised to conduct the interviews, select successful candidates and make offers of employment subject to the necessary employment procedures and standing orders

Reason: To progress the appointment and reduce risks highlighted in the report in relation to this critical role required to deliver the Council's statutory responsibilities.

Contact Details

Author:

Chief Officer Responsible for the report:

Sharon Stoltz

Interim Director of Public Health

Sally Burns

Director of Communities and Neighbourhoods

**Report
Approved**



Date 07/10/15

Specialist Implications Officer(s)

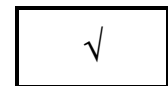
Human Resources: Mark Bennett, Head of HR and OD

Legal: Andrew Docherty, Assistant Director, IT Democratic & Legal Services

Finance: Richard Hartle, Finance Manager

Wards Affected: List wards or tick box to indicate all

All



For further information please contact the author of the report

Appendix:

- A. Amended Chief Officer recruitment process to incorporate NHS statutory instrument