

**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 interim 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 report to Staffing Matters and Urgency Committee on 26 October 2015 approved the appointment to the Assistant Director (Consultant) in

Public Health role. Recruitment into this post is underway in accordance with Statutory Instrument (NHS) Regulations. However, a short term interim appointment is required to bridge the gap. This report seeks approval to establish an interim appointment to the post in the short term.

### **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 (CCG) 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. Although this report relates to an interim appointment, it is suggested that this format is used as a steer.

## 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 appointments panel.

## Council Plan 2015-19

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 or 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. The interim appointment is being made to mitigate these risks.

## **Recommendations**

25. It is recommended that Staffing Matters and Urgency Committee:
  - a) Approve the establishment of an Advisory Appointments Committee, constituted in accordance with NHS Statutory Instruments governing recruitment to consultant level roles in the NHS.
  - b) 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.
  - c) 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

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Director of Communities and  
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**Report  
Approved**



**Date** 07/10/15

## Specialist Implications Officer(s)

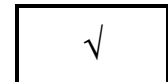
Human Resources: Mark Bennett, Head of HR and OD

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**