
Council

24 November 2014

Report of the Chief Executive

Director of Adult Services and Assistant Director of Adult Services - Appointment Process and Remuneration

Summary

1. This report seeks formal approval to establish Appointment Committees and to delegate sufficient powers to those Committees to enable them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointments.

Background

2. Following the departure in March 2013 of the Director of Adults, Children's and Education Services, the Council agreed structural changes and a permanent appointment of Director of Children's Services Education and Skills was made. The responsibility for Adults Services was transferred to the Director of Health and Wellbeing.
3. The Director of Health and Wellbeing left the Council in October 2014 and interim arrangements were immediately put in place to secure the strategic management of all of these services and to ensure that statutory responsibilities for Adult Services and Public Health were assigned.
4. The two Assistant Directors in Adult Services left the Council in July and August 2014 and interim arrangements were put in place to cover these leadership posts within the senior management structure of the Council.
5. Authorities in England are facing unprecedented challenges in adult social care due to rising demand, constrained funding and fundamental policy changes. We cannot afford to lose any momentum in our work in York to respond to the Care Act, the Better Care Fund and our wider transformation agenda. Making

permanent appointments to these posts will mean that we secure the long term strategic leadership of our Adult Services.

Chief Officer Posts

6. This paper proposes a permanent appointment to a new role of Director Adult Services and the permanent appointment to an Assistant Director of Adult Services. It also proposes that a temporary appointment to a post of Assistant Director of Adult Services is made for approximately 4 months pending the permanent appointment.
7. Although there will be a structural change these are vacant positions and there are no existing staff who will be detrimentally affected by any of this change.
8. In a report to Cabinet on the 6 December 2011 it was reported that between 2009 and 2011 senior management posts in the authority had been reduced by 33% at Director level, 24% at Assistant Director level and 10% at grades 10-12, achieving a permanent annual saving of £2.293 million per annum.
9. Since 2012 there has been the transfer to the Local Authority of the responsibility for Public Health and posts to support this but no increase in the total number of Chief Officer positions. Our current establishment is Chief Executive, five Directors and twelve Assistant Director's (one position is fixed term).
10. The positions of Director and Assistant Director of Adult Services would replace existing interim arrangements and not increase the overall number of Chief Officer positions.
11. The position of Director of Adult Services would hold the statutory responsibility for Adult Services and as such is responsible for significant organisational and reputational risk in relation to the delivery of these services. The position is responsible for the ongoing improvement of service delivery, identifying opportunities for closer working with health services and the programme of service transformation. It is critical at this time of national policy change that we have a high calibre leader in this role which can carry the confidence of services in the sector.
12. The position of Assistant Director of Adult Services would be responsible for the group managers in operational services and for the day to day operations of safeguarding and Deprivation of Liberty Safeguards (DoLS). They will have responsibility for

supporting the Care Act and Better Care Fund implementation within operations in accordance with the overall programme plans and responsibility for enhancing relationships across the health and social care sector.

13. Both positions need to deliver effective change within adult social care and in particular have expertise in financial and performance management, commissioning and transformation.
14. Pending a permanent appointment to the position of Assistant Director of Adult Services, it is proposed to make a temporary appointment for an approximate period of 4 months whilst the recruitment takes place. This opportunity should be seen as a development opportunity for existing senior staff in the Council and is in line with our Workforce Strategy to create opportunities to support and develop our staff. It is proposed that this position is advertised internally for existing Council staff to apply for.
15. Both positions will be funded from within the existing departmental chief officer budget provision.

Remuneration Package

16. According to the Council's Pay Policy 2014 (approved at Council on 27 March 2014), the full Council should approve any Chief Officer Pay Package over £100,000 in value.
17. The current job evaluated grade for a Director is £88,080 to £102,766 and for an Assistant Director is £66,068 to £73,401.
18. Members are asked to review these salaries against the information at Appendix A. The information shows the pay for comparable positions in the Local Government Yorkshire and Humber region.
19. The information highlights that the pay in City of York Council is below market rates for these positions which will hold a comparable portfolio of responsibilities.
20. Skills for Care have conducted detailed research into the recruitment and retention of staff working in adult social care and highlight the difficulties many local authorities have in attracting and retaining staff in many different roles. To attract the highest quality field of candidates it is important that the salary and package of terms and conditions that we offer for these positions is viewed as being competitive in the market.

21. Members have previously approved a policy which allows consideration to be given to offering a market supplement payment for positions which it is believed will be difficult to recruit to and may want to consider this option for either of these posts.
22. A market supplement payment would commence from the date of appointment and form part of the overall remuneration package and as such will be pensionable.
23. Any market supplement payment would be reviewed every two years. The review will be carried out by the Head of Human Resources in line with the criteria set out in the policy.

Appointments Committee

24. The Council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a position and to determine who should be offered the vacant position.
25. It is proposed that two Appointment Committees would be constituted on a 1:1:1 proportionate basis. This would mean that there would be one Labour member, one Conservative and one Liberal Democrat member on each Appointment Committee.
26. The recruitment process is attached at Appendix B.
27. It is proposed that the appointment time scales are sequenced so that a permanently appointed Director can be involved in the recruitment of the Assistant Director.
28. To attract the strongest field of candidates with the right knowledge and skills the posts will need to be advertised nationally. It is recommended that an external recruitment consultancy that has expertise and a proven track record in this sector is engaged to support the Appointment Committee.

Consultation

29. Consultation has taken place with the Corporate Management Team and portfolio holder and spokespeople for adult social care.

Options/Analysis

30. There are no alternative options for Members on the recruitment process to consider, other than simply not proceeding with recruitment to the position.

31. The failure to create an Appointments Committee at this stage would delay any subsequent appointment to the positions.
32. Members can decide to apply a market supplement payment for this position to make the total salary package for the position comparable with other positions in the region. This may make the position more attractive to potential candidates in the recruitment market.
33. As we have to cover the statutory responsibilities in Adult Services if we do not recruit we may have to continue with the existing interim arrangements.

Council Plan

34. Making an appointment to this position will contribute to delivering the Council Plan and its priorities, in particular Protecting Vulnerable People.

Implications

35. The following implications have been considered:
 - **Financial** – The salary and recruitment costs will be managed from within existing departmental budget.
 - **Human Resources (HR)** – The job description for the positions of Director of Adult Services and Assistant Director of Adult Services will be subject to the Council's established job evaluation mechanism and the grades confirmed for the positions. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. A procurement tendering exercise would need to be undertaken to engage a recruitment agency to support the recruitment activity to fill the position.
 - **Equalities** - There are no equalities implications.
 - **Legal** – The Appointments Committee is created pursuant to S.102 (1)(c) of the local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the vacant positions of Director of Adult Services and Assistant Director of Adult Services. The proceedings of the Appointments Committee are likely to be held mainly in exempt

session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment committee must include at least one member of the Cabinet and further, that no formal offer of appointment may be made until all members of the Cabinet have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **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

36. The risk of no or delayed appointment could risk the lives of the council's more vulnerable residents.

Recommendations

37. It is recommended that Staffing Matters and Urgency Committee:
 - a) Approve the filling of the position of the Director of Adult Services and Assistant Director of Adult Services on a temporary and then permanent basis.
 - b) Determine whether a market supplement should be offered as part of the remuneration for these positions and to agree the value of that market supplement.
 - c) Recommend the remuneration package for Director of Adult Services to full Council.

- d) Establish two Appointment Committees, consisting of three members, one from Labour, one from Conservative and one Liberal Democrat.
- e) Authorise the Appointments Committee to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.
- f) Engage a recruitment agency to support the selection committee with the recruitment process.

Reason: To progress appointments and reduce risks highlighted in the report in relation to these critical roles.

Contact Details

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Chief Executive

**Report
Approved**



Date 14 November
2014

Specialist Implications Officer(s)

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

Finance: Richard Hartle, Finance Manager

Wards Affected:

All

For further information please contact the author of the report

Appendix:

A. Market Data

B. Chief Officer recruitment process