

Cabinet

3 April 2012

Report of the Cabinet Member for Corporate Services

Recruitment to the roles of Director of Public Health & Wellbeing and Director of City & Environmental Services

Summary

- 1.□ This report outlines for Members the requirements of the Health and Social Care Bill in relation to the appointment of a Director of Public Health & Wellbeing for York. It evaluates structural options available for the permanent appointment, and outlines transition arrangements for public health personnel.
- 2.□ A member of the Council Management Team has tendered their resignation from their post and will leave the council in June 2012. In line with decisions taken by Cabinet on 6 December 2011, the post holder was due to take over the new role of Director of City & Environmental Services on 1 April 2012. This report asks Cabinet to endorse plans to recruit to this post with immediate effect to secure the stability of the service and the completion of the Chief Officer restructure arising from the Organisation Review 2012. This is subject to the decision of Cabinet outlined in paragraph 13 below relating to the structural positioning of the Director of Public Health & Wellbeing.

Background

The Director of Public Health & Wellbeing

3. As the Health and Social Care Bill becomes legislation it will require upper tier and unitary authorities to take on critical new functions in Public Health from 1 April 2013. To exercise these functions such Local Authorities are required to appoint Directors of Public Health.

4. The Department of Health has issued draft guidance relating to the appointment process and also job descriptions and person specifications. These documents are available as a background to this report.

Transition Arrangements

5. As existing arrangements are currently in place within one team in the NHS North Yorkshire & York Primary Care Trust (PCT) the transition plans for York and North Yorkshire are more complex, however all parties are working hard to ensure the process is simplified and twin tracked (see Annex A). The Strategic Health Authority is overseeing transitional arrangements across the region and will wish to review all pre March 2013 decisions taken in relation to this post.
6. Across the current PCT area, it makes sense to appoint to Director of Public Health posts at the same time, and also to align to teams concurrently. This was agreed as an early principle by Chief Executives of all three organisations concerned.

Director of Public Health & Wellbeing Responsibilities

7. The Director of Public Health & Wellbeing will have lead responsibility for promoting and protecting health and wellbeing, tackling health inequalities and improving health care quality.
8. The post holder has to be accountable to the Chief Executive and will work closely with the Leader, Portfolio Holder, Cabinet and Overview and Scrutiny to develop the Public Health agenda. The development of the Health and Wellbeing board and creation of the Joint Health and Wellbeing Strategy will be key functions.
9. The government intends to issue statutory guidance on the responsibilities of Director of Public Health in the same way that guidance is currently issued for Directors of Children's Services and Adult Services. Many local authorities already have joint appointments between the NHS and local government. The Regional PCT is finalising a Memorandum of Understanding to be in place with Local Authorities from 1st April 2012. This will cover the transitional arrangements and staffing between the PCT and the Local Authority for this next year. There has been

a long history of working in partnership across the City, particularly through the Healthy City Board.

Options for York Appointment

10. There are three options available to the council to fulfil the new statutory duties.

The options are as follows:

- i) Appoint a joint Director of Public Health with North Yorkshire County Council (NYCC).
 - ii) Appoint a Director of Public Health for the City of York Council (CYC).
 - iii) Appoint a Director of Public Health jointly with the Vale of York Clinical Commissioning Group (VYCCG).
11. NYCC has already taken the decision to progress with the recruitment of its own Director of Public Health, therefore option i) is no longer available. CYC through its Chief Executive has already committed itself to close partnership working with the VYCCG who are keen to establish opportunities to work jointly on public health priorities in line with option iii).
 12. The advantages and disadvantages of the options ii) and iii) above are set out at Annex B.

Structural Positioning

13. A decision is required to determine where the post sits within the management structure of City of York Council (CYC). The guidance is clear that there is accountability to the Chief Executive. However, the statutory duty could be carried at Director or the equivalent of Assistant Director level. The options are:
 - i) At Director level, this would could require a restructure of the Council Management Team (CMT), but needs to take account of the commitment already made not to increase the number of posts at Director level. With this option there is a risk of a single Directorate becoming focussed only on the Public Health area due to the full agenda in setting up public health function over next two years.

- ii) At Assistant Director level, the position could be responsible to another Director, with significant experience in this field, and the role and responsibilities extended to cover other health and well-being services. This would not displace any other Chief Officer in the management structure and would allow for a smoother transition into the organisation. It would also allow a specialist to focus attention on this priority area which might not be possible at Director level with wider responsibilities.
14. Authorities are expected to make early progress in appointing their Directors of Public Health. This has to be done in agreement with the Primary Care Trust to ensure it can continue to fulfil its statutory duties until April 2013, and all appointments must be carried out in conjunction with Public Health England. The appointment would initially be as an NHS employee. Within the York and North Yorkshire plan it is intended to commence this recruitment in April 2012 with appointment panels taking place in June, and the post holder in place in September 2012 (see fuller timetable at Annex C).
 15. For the joint appointment process it is recommended that the Cabinet Member for Health Housing and Adult Social Services and the Chief Executive represent the Council on the appointment panel.

Interim Arrangements

16. Work is underway to put in place interim arrangements for the secondment of the Director of Public Health & Wellbeing from appointment to 31st March 2013, prior to the official transfer of the post to CYC on 1st April 2013. The Heads of Terms for such a secondment arrangement are being drafted. These are to be used as a template for Authorities across the region. This is the Memorandum of Understanding which will cover all staff not just the Director.
17. The current arrangements for public health would continue pending the appointment to the permanent role.
18. All arrangements and project planning is being driven by the Transition Plan contained in Annex A.

Wider Public Health Team

19. In the interim period the wider team will continue to work across York and North Yorkshire. The secondment and the permanent appointment of the Director of Public Health & Wellbeing will support the activity to shape the team for the future and consider the inclusion of further council based services. In the short term the drug action team and the teenage pregnancy service will be managed under existing arrangements

Recruitment to the post of Director of City & Environmental Services

20. A member of CMT has given notice to leave their post in order to retire and will leave the council in June 2012. As part of the Organisational Review 2012, four new Director roles were created and the departure of a Director leaves a vacancy in the new role of Director of City & Environmental Services.
21. Subject to the Cabinet decision on the structural positioning of the Director of Public Health & Wellbeing outlined at paragraph 13 above, it is proposed to commence the recruitment process with immediate effect to minimise the overall disruption on the directorate at a time of reorganisation.
22. The outline timescale for the process is as follows which will match closely the timescales for the recruitment of the Director of Public Health & Wellbeing:
 - 16th April 2012 - Staffing and Urgency to establish the selection panels
 - Week commencing 23rd April 2012 - recruitment advertising
 - Early June - recruitment processes
 - Successful candidates commence - September 2012.

Consultation

23. Ongoing discussions have been held with the relevant Cabinet portfolio holders. Regular briefings will be held with unions and

staff at directorate and cross-council meetings around the Public Health changes and related impacts.

Options

24. Options are covered in the body of the report at paragraphs 10 to 13.

Analysis

25. Analysis is covered in Annex B and in paragraph 13 of the report.

Council Plan

26. The appointment of the Director of Public Health and the leadership of Health and Wellbeing improvements across the City, relates to both the Build Strong Communities and Protect Vulnerable People Council Plan priorities. The recruitment to the City & Environmental Services position will ensure that we will meet the priorities set by Get York Moving and Protect the Environment.

Implications

Financial

27. The cost of the appointment for the Director of Public Health will be funded by the PCT. The ongoing costs of the role from 1st April 2013 will become the responsibility of the City Council. This will be funded from a new grant.

28. The Department of Health undertook an exercise analysing expenditure on Public Health across the country in 2010/11. This baseline review indicated that a total of £20,900k was spent by the Primary Care Trust (PCT) in York and North Yorkshire in that year on services that will become the responsibilities of local authorities in 2012/13 which equates to £26 per head of population. This figure has been apportioned based on population between City of York Council and North Yorkshire County Council equating to spending of £5,338k within York. This figure is anticipated to be used as a base for

providing a grant to the City Council in 2012/13 which after inflation of 5.25% is projected at £5,620k .

29. There are however a number of risks facing the council:

- Firstly the baseline spend did not accurately reflect current spending levels on public health functions. One example is that the PCT spent £20k on mandatory health checks in 2010/11 that figure was over £1,000k in 2011/12. This function will be the responsibility of the council in 2012/13. Negotiations will need to be held between CYC/NYCC and the PCT to alter the grant figures accordingly.
- Secondly the level of spend between the two councils may not be based on the assumed population split. This may mean that the level of grant might not meet current spending levels in the York boundary.
- Thirdly it will be necessary to unpick current contractual arrangements which do not currently match the proposed structure for public health. This will require significant procurement and commissioning support.
- Finally the level of spend for York and North Yorkshire totals £26 per head. The average for England as a whole is £40 per head and the level of funding is in the bottom quartile.

30. The risks above are all being managed as part of the finance and procurement work stream within the overall transition plan.

31. A procurement tendering exercise is currently being undertaken to determine which Recruitment Agency from a national framework will undertake the recruitment campaign for the Director of City and Environmental Services. These costs will be funded from savings arising from a period of time that the post is vacant (2-3months).

Human Resources (HR)

32. HR representatives from NHS North Yorkshire and York Primary Care Trust, NYCC and CYC are meeting and teleconferencing on a regular basis to address the staffing implications which will arise as a result of public health staff transferring across to Local Authority employment. This

includes the co-ordination of the recruitment and appointment process for the Director of Public Health and Wellbeing. The implications include:

- The Director of Public Health recruitment process has a tight and complex schedule to be adhered to and any slippage could result in significant delay to the appointment process (See Annex C).
- NHS pay and terms and conditions for medical and non medical staff differ to those of local government. The Director of Public Health and Wellbeing will TUPE across on current NHS terms and conditions in April 2013 but consideration will need to be given to the implications for future appointments.
- CYC HR representatives will be liaising with PCT HR colleagues and local managers to ensure the smooth integration and induction of NHS public health staff from the PCT into CYC in preparation for the staff TUPE process in April 2013.
- Pension schemes between NHS and local authorities differ. Further national advice and guidance will be issued shortly.
- The recruitment and appointment process for the Director of Public Health and Wellbeing will be managed using a co-ordinated approach working with the PCT HR department.

33. The above risks are being managed as part of the HR work stream within the overall Transition Plan.

Equalities

None

Legal

34. The Health and Social Care Bill is likely to receive the Royal Assent before Easter paving the way for the transfer of public health responsibilities to local authorities. If the proposal to proceed with a joint appointment is accepted then the postholder will initially be an NHS employee and the appointment is not therefore subject to the council's appointment processes.

35. The appointment of the Director of City and Environmental Services will follow council procedures. The Staffing and Urgency Committee have the power to establish appointment panels which must include a member of the Cabinet and every member of the Cabinet will have to be consulted before an appointment is confirmed. The council's draft pay policy statement which is due to be considered by Council on the 29th of March reflects the statutory guidance and confirms that any salary package that is in excess of £100,000 will be considered by full Council or a meeting of members. Staffing and Urgency Committee has sufficient powers to be able to exercise this function on behalf of the Council.

Crime and Disorder

None

Information Technology (IT)

None

Property

None

Other

None

Risk Management

36. The council is required to appoint a Director of Public Health by April 2013. Early indications from the Faculty of Public Health indicate that 25% of existing Directors are expected to retire during the transition periods. All arrangements have to be agreed by the Strategic Health Authority which could impact on planned recruitment timescales.

Recommendations

37. Members are asked to agree:

- 1) The joint appointment of the Director of Public Health & Wellbeing with the Vale of York Clinical Commissioning Group as outlined in paragraph 10 at option iii).
- 2) The structural position of the Director of Public Health & Wellbeing under an existing Director at Assistant Director level as outlined at option (ii), paragraph 13 above.
- 3) Note the secondment of the Director of Public Health & Wellbeing upon appointment to 31 March 2013;
- 4) Commencement of the recruitment of Director of Public Health and Wellbeing in line with the attached plan at Annex C and panel as outlined in paragraph 15.
- 5) Note the proposed management of the transition of the Public Health Team.
- 6) If recommendation 2) is agreed, to approve the recruitment to the position of the Director of City & Environmental Services using an external organisation to complete the search and select processes on behalf of the council.

Reason: To ensure that arrangements are in place in respect of appointments to these posts.

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**Report
Approved**



Date 22 March 2012.

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Wards Affected:

All

**Background Papers:**

Department of Health Guidance – Director of Public Health Appointment
Draft Job Description for City of York Director of Public Health.

Annexes

Annex A – Transition Plan
Annex B – Evaluation of options for Director of Public Health
Annex C – Recruitment Timetable for Director of Public Health &
Wellbeing