
Council

10 October 2013

Report of the Chief Executive

Director of Education, Skills & Children's Services - Appointment Process and Remuneration

Summary

1. Following the departure in March 2013 of the Director of Adults, Childrens and Education Services, an interim arrangement pending a permanent Director level restructure has been in place, with roles being allocated as follows:
 - a) Education, Skills & Childrens Services to an Interim Director;
 - b) Adults Services to the Director of Health & Wellbeing.
2. The position at a) will become vacant shortly and to minimise impact of further turbulence on the service and to ensure a critical statutory role is filled promptly, Cabinet (at its meeting on 1st October 2013) expressed support for the filling of this post on a permanent basis in advance of a wider change process. As the position will be vacant, no existing postholder will be detrimentally affected by this change.
3. This report seeks approval for:
 - a) filling the post and agreeing the remuneration package for the position in line with the Council's Pay Policy, including a market supplement;
 - b) formal approval to establish an Appointments Committee and to delegate sufficient powers to that committee to enable it to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

4. According to the Council's Pay Policy 2013 (approved at Council on 28th March 2013), the full Council should approve any Chief Officer Pay Package over £100,000 in value.
5. The Staffing Matters & Urgency Committee has recommended a Market Supplement Policy to full Council, and subject to that decision being made and agreed at this meeting, a market supplement for the role is also being sought.

Background

Remuneration Package

6. Council is asked to review the pay package that will be offered as part of the recruitment process which is currently set at a job evaluated grade of Director at a salary of £88,080 to £102,766 with access to the standard set of Chief Officer terms and conditions (see Pay Policy 28th March 2013).
7. In addition to the salary for this post it is proposed to offer a market supplement payment which will increase the total pay for this post to £115,000 per annum on grounds of recruitment (as opposed to retention).
8. There is evidence to support a view that the evaluated pay for a Director who has portfolio responsibility for Childrens Services and Education, and the critical statutory responsibility is significantly below market rates, this is evidenced at Appendix A.
9. The market supplement payment would commence from the date of appointment and forms part of the overall remuneration package and as such will be pensionable.
10. This market supplement payment will be reviewed at least bi-annually. The review will be carried out by the Head of Human Resources in line with the criteria set out in the policy.
11. There are no other enhancements recommended for this role. Any amendment to this position will be brought back to a future meeting of the relevant committee.
12. This role holds the statutory responsibility of Director of Childrens Services and as such is responsible for significant organisational and reputational risk in relation to the delivery of these services. The council currently holds an 'outstanding' Ofsted judgement in

relation to our Childrens services. Ofsted inspection, however is due within the next year and to have the best opportunity of retaining our outstanding status it is critical that we have a high calibre leader in this role which can carry the confidence of childrens services and the whole school community.

Appointments Committee

13. The council's Constitution allows for an Appointments Committee, including at least one member of the Cabinet, to shortlist and interview applicants for a post and to determine who should be offered the vacant post.
14. It is requested that for the Director of Education, Skills and Childrens Services Appointments Committee, that the Committee be constituted on a 2:1:1 proportionate basis. This will mean that there will be two Labour members, and one Conservative and Liberal Democrat Member. The details of the process will be approved by the Appointments Committee.

Consultation

15. Consultation has taken place with the Corporate Management Team and the outgoing interim Director as to the need for this appointment. It is requested that the three largest political groups now nominate members to participate in the Appointments Committee.

Options/Analysis

16. Members can decide to accept, amend or reject the proposed market supplement.
17. There are no alternative options for Members on the recruitment process to consider, other than simply not proceeding with the recruitment to the post. The failure to create an Appointments Committee at this stage would delay any subsequent appointment to the post.

Council Plan

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

Implications

19. The following implications have been considered:

- **Financial** – The recruitment costs and market supplement will be managed within the departmental budget.
- **Human Resources (HR)** –The job description for the Director of Education, Skills and Childrens Services has been subject to the council’s established job evaluation mechanism and a grade of Director has been confirmed for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. A procurement tendering exercise is currently being undertaken to determine which recruitment agency will 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 post Director of Education, Skills & Childrens 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 not 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

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

Recommendations

21. It is recommended that Council:
- a) Approve the filling of the post and remuneration package of the Director of Education, Skills & Children Services, including the market supplement as set out in paragraphs 7 of this report.
 - b) Establish an Appointments Committee, consisting of four members, two from Labour, and one each Conservative and Liberal Democrat.
 - c) The Appointments Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures.

Reason: To progress appointment and reduce risks highlighted in the report in relation to this critical role.

Contact Details

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Chief Executive

**Report
Approved**



Date 1st October 2013

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

Background Papers:

Council – Pay Policy 28th March 2013 *re remuneration packages*

Council - 10th October 2013 *re market supplement policy*

Annex:

A. Market Supplement Information