

Report of the Director of Customer and Corporate Services

Interim arrangements for the temporary cover of the Assistant Director of Legal & Governance

Summary

1. This report sets out and seeks approval to the Director of Customer and Corporate Services' proposals to recruit an interim Assistant Director, Legal & Governance, which are based on operational need and are made in line with the council's constitution arrangements.

Background

2. As a result of a long term absence of the current post holder, approval is requested to backfill the Assistant Director post, through a temporary arrangement estimated at six months.
3. The Chief Executive and Director of Customer and Corporate Services have identified the need to provide interim cover in such a critical part of the organisation. With the impending elections and complexities across legal and governance, the absence of the current post holder leaves the authority at risk and hence the need for an interim who will also cover the Deputy Returning Officer role. It is anticipated that this post will also cover required Monitoring Officer duties (allocated by full Council).
4. The current role of Assistant Director of Legal & Governance provides senior management and leadership for the following service areas:
 - Legal Services
 - Civic & Democratic Services
 - Facilities Management
 - Business Support

It is proposed that the interim cover will directly line manage the top two departments.

5. The interim post will report directly to the Director of Customer and Corporate Services, who will also directly manage Facilities Management and Business Support.

Consultation

6. Consultation has taken place with the Chief Executive, Council Management Team, Portfolio Lead member and the Leader/Deputy Leader of the Council.

Options/ Analysis

7. This will be a member appointment in line with the constitution and therefore Staffing Matters and Urgency Committee will need to set up an Appointments Sub-committee.
8. The post is currently graded at Assistant Director level with a salary scale up to £77,901. It is proposed to advertise for a fixed term contract, however due to the urgency to have an interim in post (with the local elections looming), it may be necessary to consider other options as detailed below.
9. Alternative options include engagement with a suitable individual through a self-employed route, or through our agency, Work With York.
10. These alternative routes attract additional monies- often individuals who are available to fill such interim roles at short notice attract daily rates. Any Appointments Sub-Committee set up will need to take into account what level of remuneration is considered appropriate to attract the right candidate given the relative urgency of the situation and the potential variations in pay rates, dependent upon the route of recruitment.
11. Timing is very important and the risk to the authority is increasing, therefore we are recommending that Staffing Matters and Urgency Committee consider utilising the services of NYCC, who have supported the recruitment process for other recent Chief Officer appointments. There is no capacity within CYC HR to do this in the time required.
12. NYCC have provided estimated timescales for this activity:
 - Advert Live 6th Feb
 - Closing Date 18th Feb
 - Shortlist 20th/21st Feb

- Assessment Event – 1 Day week commencing 4th March (avoiding school holiday week at end of February)
13. Details of NYCC's proposed charges for their support are set out in Annex D, which is exempt under commercial requirements
 14. The alternative is not to recruit and risk the impact on key areas being unable to deliver services to the required standard.

Council Plan

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

Implications

16. The following implications have been considered.

Financial: The salary costs to the temporary appointment

- Recruitment at AD level would be in line with the current salary band which ranges from £70,119 to £77,901 per annum (and with on costs rises to £104,005). Costs at this level for 6 months would be in the region of up to £50,000.
- Recruitment at a daily rate (normal practice for interim arrangements in specialist areas such as legal services) may be in the region of £700 per day. This would therefore cost around £90,000 for 6 months.
- Costs will be met from existing legal and governance staffing budgets, including carry forward from current years budget.

Equalities The post will be recruited to in accordance with the Councils Recruitment policy.

Human Resources- The job description for the position of Assistant Director – Legal & Governance is subject to the Council's established job evaluation mechanism and the grade confirmed for the position.

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

17. Appointing to this post, on an interim basis will ensure greater resilience in the Council fulfilling its election and governance responsibilities at this time, through carrying out the duties of the Deputy Returning Officer and statutory monitoring officer.

Recommendations

18. Staffing Matters and Urgency Committee is asked to:
- i. endorse proposals for the Director of Customer and Corporate Services to progress the recruitment of an Interim Assistant Director of Legal & Governance, in light of the circumstances outlined in the report.
 - ii. establish an Appointments Sub-Committee consisting of three members, one from each main party (1 Conservative, 1 Liberal Democrat and 1 Labour) to include a member of the Executive.
 - iii. endorse proposals for NYCC to support the recruitment process, including advertising and candidate search, as costed in Annex D
 - iv. agree that the salary to attract the right candidate for this interim role is either at the AD level or hourly rate alternative, set out in paragraph 16.

Reason: To progress an interim appointment in relation to this critical role required to deliver statutory responsibilities.

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd.
Director of Customer and Corporate Services

**Report
Approved**



Date 25/1/2019

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

- A Chief Officer Recruitment Protocol
- B Conditions of Service
- C Job Profile
- D NYCC Costs (exempt under paragraph 3 to Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006)