

<b>REPORT TO:</b>	<b>APPOINTMENTS COMMITTEE</b> <b>30 September 2019</b>
<b>SUBJECT:</b>	<b>Appointment to Executive Director, Health, Wellbeing &amp; Adults</b> <b>and;</b> <b>Appointment of Chief Finance Officer (Section 151)</b>
<b>LEAD OFFICER:</b>	<b>Jo Negrini - Chief Executive</b>
<b>CABINET MEMBER:</b>	<b>Cllr Simon Hall, Cabinet Member for Finance and Resources</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> The Council's management structure.	
<b>FINANCIAL SUMMARY:</b> The salary cost of these posts is contained within the 2019/20 budget.	

## 1. RECOMMENDATIONS

The committee is recommended to:

- 1.1 Undertake the selection and appointment to the post of Executive Director, Health, Wellbeing & Adults on a fixed term appointment until 31st December 2022 in accordance with the provisions of Part 4 J of the Council's Constitution (Staff Employment Procedure Rules).
- 1.2 Having due regard to the Council's current Pay Policy, agree the salary package of Executive Director, Health, Wellbeing & Adults at £152,000 per annum as outlined in section 3.7.
- 1.3 Note that the successful candidate's offer of appointment will be subject to an appointment notification process in accordance with paragraph 3.4 of part 4J of the Council's Constitution.
- 1.4 Agree the appointment of the Chief Financial Officer whose functions will encompass the statutory section 151 officer duties. Note that the successful candidate's offer of appointment will be subject to an appointment notification process in accordance with paragraph 3.4 of part 4J of the Council's Constitution.
- 1.5 Having regard to the Council's current Pay Policy, agree the salary package of the Director of Finance, Investment and Risk and Section 151 Officer (Chief Finance Officer) at a salary of £129,646 per annum under the Localism Act 2011.
- 1.6 Recommend the notification of both appointments to Full Council.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report seeks the committee's approval of the salary package for appointing on a fixed term contract the Executive Director Health, Wellbeing & Adults.
- 2.2. This report seeks the Committee's agreement to delegate to the Head of Paid Service authority to undertake the role of "appointer" under Part 4J of the Constitution in respect of the recruitment, selection and the appointment of the Chief Financial Officer whose functions will encompass the statutory section 151 officer duties.

## **3. DETAIL**

### Appointment to Executive Director Health, Wellbeing & Adults.

- 3.1 The Executive Director, People role was deleted in May 2018 and two separate roles created: Executive Director for Children's, Education and Families and Executive Director for Health, Wellbeing and Adults to reflect the dedicated focus required in these services. An interim arrangement was already in place in Adults following the Ofsted inspection and the long term absence of the Director of Adult Social Care & All Age Disability; and this was continued to provide stability whilst the recruitment to the Children's role was undertaken to ensure the transformation plan for Adult services and health integration and efficiencies maintained leadership and drive.
- 3.2 The post cannot continue to be covered via the current interim arrangements as this is not in the best interests of the Council both financially and operationally. However Guy Van Dichele, the current interim, created and has been leading the service transformation plan, so continuity is important at this stage.
- 3.3 It is therefore not proposed to advertise the post and instead to directly appoint to a fixed term contract. Guy Van Dichele has been an agency placement since August 2017 and so would have rights to apply for any internal post.
- 3.4 Given the recent retirement of the Director of Adult Social Care & All Age Disability and that two previous Head of Service have recently been promoted to new Director posts, it is not considered that there is any other strong internal candidates who could compete for this role and so a shortlist of suitable candidates is not possible.
- 3.5 At this stage of the transformation project Guy Van Dichele's skills, knowledge and experience would be difficult to replicate in a timely way so as not to negatively impact on the transformation plan.
- 3.6 The appointment committee is therefore asked to agree the appointment of Guy Van Dichele to the post of Executive Director Health, Wellbeing & Adults on a fixed term contract to 31<sup>st</sup> December 2022.
- 3.7 If successful for selection the total salary package proposed is £152,000 per annum, which is constructed of £137,700 basic salary, £10,000 market supplement and a retention payment of £4,300.

## Appointment to the role of Chief Finance Officer

- 3.8 Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and requires one officer to be appointed as Section 151 Officer (Chief Finance Officer) to take responsibility for the administration of those affairs. The Section 151 officer is usually the local authority's treasurer and must be a qualified accountant belonging to one of the recognised chartered accountancy bodies.
- 3.9 The Chief Financial Officer (Section 151 officer) has a number of statutory duties, including the duty to report any unlawful financial activity involving the authority (past, present or proposed) or failure to set or keep to a balanced budget. The Section 151 officer also has a number of statutory powers in order to allow this role to be carried out, such as the right to insist that the local authority makes sufficient financial provision for the cost of internal audit.

### 3.10 The Chief Financial Officer:-

- Is a key member of the Leadership Team, helping it to develop and implement financial strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;
- Must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy; and
- Must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the CFO must lead and direct a finance function that is resourced to be fit for purpose; and must be professionally qualified and suitably experienced.

- 3.11 Lisa Taylor is the current Director of Finance, Investment and Risk, and in addition to her role has been undertaking the Section 151 Officer statutory responsibilities on an interim basis since February 2019, and this arrangement has worked successfully for the Council. She meets the qualification and experience requirement to be able to carry out the CFO duties and powers.
- 3.12 The Appointments Committee is therefore asked to appoint Lisa Taylor to the role of the Chief Finance Officer and Section 151 Officer as an addition to her role as Director of Finance, Investment and Risk. Any such selection is subject to the notification requirements within the provisions of paragraph 3.4 of Part 4J of the Council's Constitution.
- 3.13 Recommend the notification of both appointment decisions be presented to Full Council.

## Localism Act 2011 and Pay Policy

- 3.14 Following the decision of the Annual Council meeting on 03 June 2014, the Appointments Committee has delegated responsibility for approving appointments beyond the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance is that elected Members should be given an opportunity to vote before: salary packages upon appointment at or above a specified threshold are offered; and severance packages at or beyond a specified threshold are approved for staff leaving the Council's employment. For both these purposes, the specified threshold is currently £100,000 as set by Government.
- 3.15 As set out in the Council's pay policy, directors are appointed on fixed pay points, which are determined locally and subject to local review every two years. The fixed pay point for the Executive Director Health, Wellbeing & Adults as set out in the 2019/20 Pay policy is for a fixed pay point of £137,700 . The pay assessment for this role has been benchmarked against comparable roles in London and salary data from the London Council's pay survey 2019.
- 3.16 However provision for an additional market supplement of up to £10k per annum may be required to attract the calibre of candidate for this role within the context of the borough's opportunities and challenges. In addition, to ensure we secure the services of the candidate an annual retention payment of £4,300 is also recommended.
- 3.17 The salary for the Director of Finance, Investment and Risk with the addition of the statutory duties of the Chief Finance Officer have been assessed for an increase to the Director spot salary from £109,140 to a new salary of £129,646.
- 3.18 The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution provide for a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment occurs before an offer of appointment is made to him/her and these requirements will be complied with should members approve the above recommendations.

## **4 FINANCIAL AND RISK CONSIDERATIONS**

### **4.1 Revenue and Capital consequences of report recommendations (excluding on costs or any future pay review)**

	<b>Current Year</b>	<b>Future Years</b>		
	2019/20	2020/21	2021/22	2022/23
	£'000	£'000	£'000	£'000
<b>Executive Director *</b>	76.0	152.0	152.0	114.0**
<b>Chief Finance Officer *</b>	10.3	20.6	20.6	20.6

\* the assumption is that both posts are appointment from 1/10/19

\*\* the assumption is that the post holder is appointed until 31/12/22

## 4.2 The effect of the decision

These are established posts and the budget identified in section 4.1 above has been aligned to the anticipated start date of the successful candidates. The salary costs arising from this decision can be met from the existing 2019/20 budget.

## 4.3 Risks

There is a risk of being unable to retain the right calibre of person to these roles if the salary is not comparable to the market. Failure to appoint suitable candidates to these roles will result in a lack of strategic leadership for the organisation, and non-compliance as council's are required to have a dedicated S151 Officer.

## 4.4 Options

The alternative option of not filling the role; and for not making provision within the parameters of the Council's agreed Pay Policy Statement is not considered sustainable or viable option as explained in paragraph 4.3 above.

## 4.5 Future savings/efficiencies

The appointment of the Executive Director of Adults, Health and Wellbeing to a fixed term contract will result in a saving of approximately £20k per annum compared to the current arrangements via an agency contract.

Approved by: Jacqueline Harris-Baker, Executive Director, Resources

## 5 LEGAL IMPLICATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the Council may appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.
- 5.2 Where the appointment of a Chief Officer as defined by the Council's Staff Procedure Rules (Part 4J of the Constitution) is concerned, the Constitution provides that such appointment shall normally be carried out by the Appointments Committee unless Appointments Committee specifically delegate such appointment to the Head of Paid Service. Provision is also made under paragraph 3.4 of Part 4J for a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment being made, before an offer of appointment is made to the successful candidate. For this purpose the statutory definition of Chief Officer includes both the proposed appointment of the Executive Director of Health, Wellbeing & Adults and the Chief Financial Officer
- 5.3 Paragraph 3.4 of Part 4J provides that an offer of an appointment as the Head of Paid Service, a Statutory Chief Officer, a Non-Statutory Chief Officer, or a Deputy Chief Officer must not be made by the appointor until - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment; (b) the proper officer has notified the Leader of - (i) the name of the person to whom the appointor wishes to make the offer; (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and (c) either (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other Member of the Cabinet has any objection to the making of the offer; (ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader; or (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.

5.3.1 The Appointments Committee has delegated responsibility for approving appointments in accordance with the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance provides that elected Members should be given an opportunity to vote before a salary package upon appointment above a specified threshold is offered; or a severance package beyond a specified threshold is approved for staff leaving the Council's employment. For both these purposes, the specified threshold is currently £100,000 per annum as set by Government and the definition applied to "salary package" for this purpose includes salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.

5.3.2 Finally, the Statutory Guidance from the Secretary of State sets out that all decisions on pay and reward for chief officers must comply with the current pay policy statement.

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer.

## **6 CUSTOMER, EQUALITIES, HUMAN RIGHTS, FREEDOM OF INFORMATION, DATA PROTECTION CRIME AND DISORDER IMPACT**

6.1 There are no direct considerations arising from this report.

**CONTACT OFFICER:** Sue Moorman, Director of Human Resources

**BACKGROUND DOCUMENTS:** none