

# Agenda Item 22.

<b>TITLE</b>	<b>Recruitment and appointment of Directors and Assistant Directors (Permanent and Interim)</b>
<b>FOR CONSIDERATION BY</b>	Personnel Board on 7 <sup>th</sup> February 2022
<b>WARD</b>	None Specific
<b>LEAD OFFICERS</b>	Christine Bennett, Interim Assistant Director Human Resources Andrew Moulton, Assistant Director Governance

<b>OUTCOME / BENEFITS TO THE COMMUNITY</b>
Clarification of recruitment processes for Directors and Assistant Directors.
<b>RECOMMENDATION</b>
That Personnel Board recommends to Council via the Constitution Review Working Group, changes to the appointment processes for Directors and Assistant Directors.
<b>SUMMARY OF REPORT</b>
<p>Under the current constitutional arrangements, the recruitment and appointment of permanent Directors is a matter for Personnel Board. This report proposes that the same constitutional arrangements are introduced for the recruitment and appointment of permanent Assistant Directors.</p> <p>The report also proposes new provisions for the recruitment and appointment of interim Directors and Assistant Directors that include formal requirements for officers to consult with lead members. This reflects changes to the work environment whereby there are increasing business needs to make temporary appointments at Director and Assistant Director levels requiring a recruitment process that is timely, flexible, and includes appropriate levels of member scrutiny/engagement.</p>

## BACKGROUND

The Council engages a variety of workers to deliver services to the community. A range of workers may be employed on different types of contracts. For directly employed council workers, this may be in a fixed term, casual, sessional or permanent (part time or full time) contract of employment.

The reason for employing workers on different types of contracts is governed by the nature of the work that needs to be completed. Some work is more project based or required to support permanent workers during periods of transition or to cover absences (e.g., sickness absence, jury service etc).

The types of workers are:-

- Permanent: full time, part time, fixed term contract, casual, sessional
- Temporary; agency, interim contractor, consultants

Recent trends in the labour market have shifted the focus from engaging workers solely to the permanent workforce.

The reasons for this are complex; however, some of the reasons are listed below

- Specialist skills are required for a dedicated project where it would not be cost effective to employ a permanent worker who would be subject to redundancy provisions once the need for a particular skill set had reduced/ declined or is no longer required.
- The need to meet statutory staffing to client ratios (the need may have arisen due to a temporary absence of permanent employees or shortage in the labour market resulting in temporary work offering higher rates of pay than permanent salaries in LA).
- Shift in labour market trends sometimes referred to as the 'gig economy' where workers prefer not to be part of a permanent workforce and work flexibly for a number of different employers to suit personal circumstances.
- There is a temporary increase in demand and the forward plan predictions are that the demand will peak and then tail off. Therefore, additional resource is required for a temporary period of time and employing permanent workers would not be cost effective.
- Technology has changed the way people work and working from a fixed location for set days Monday to Friday is no longer the approach that is favoured by much of the workforce and more flexible arrangements preferred.

This shift in the ways of working has meant leaders of the organisation have had to adapt to managing and supporting colleagues who have varied work patterns.

Members seek assurances that the Council recruits the right person to deliver on its corporate commitment and therefore wish to enhance their oversight of appointments at Assistant Director level (roles that provide critical support to directors).

Currently, members are directly involved in permanent Chief Officer appointments (Directors, the Monitoring Officer, and the Chief Executive). This is set out in Section

11.6 of the Council's Constitution and it is not proposed to make any changes to these arrangements.

In the future, members wish to have oversight of appointments at interim Director level and at Assistant Director (interim and permanent). The following proposed changes to the Constitution bring these changes into effect.

## CHANGES TO THE CONSTITUTION

### Section 11.6 – Delegated Powers Relating to Staffing Matters

#### a. Interim Directors

Rule 11.6.5.3 currently states:

Interim Appointment of Directors (excluding Statutory Chief Officers)	The Head of Paid Service will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement
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It is requested that this timing be extended to allow more flexibility to the length of appointment for Interim Directors and also requires the Head of Paid Service (Chief Executive) to consult with lead Members. The following amendment (in bold italics) is therefore proposed:

Interim Appointment of Directors (excluding Statutory Chief Officers)	The Head of Paid Service <b><i>in consultation with the Leader, relevant Executive Member(s) and Chairman of Personnel Board</i></b> will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement. <b><i>Subject to the agreement of the Chairman of Personnel Board and the Leader this period can be further extended as required.</i></b>
All other employees (excluding the Monitoring Officer)	

11.5.5 Interim Appointment of Directors (excluding Statutory Chief Officers) will also be amended to reflect this change.

#### 11.5.5 Interim Appointment of Directors (excluding Statutory Chief Officers)

The Head of Paid Service ***in consultation with the Leader, relevant Executive Member(s) and Chairman of Personnel Board*** will appoint on an interim basis a Director for a period not exceeding 12 months, pending permanent replacement.

***Subject to the agreement of the Chairman of Personnel Board this period can be further extended as required***

**b. Interim Appointment of Assistant Directors**

The Constitution is currently non-specific about appointments an Interim Assistant Director level. The following additions are proposed to 11.6.5.3:-

Interim Appointment of Assistant Directors (excluding Statutory Chief Officers)	<b><i>The Director in consultation with the Leader, relevant Executive Member(s) and Chairman of Personnel Board will appoint on an interim basis an Assistant Director for a period not exceeding 12 months, pending permanent replacement. Subject to the agreement of the Chairman of Personnel Board and the Leader this period can be further extended as required.</i></b>
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**c. Permanent Appointment of Assistant Directors**

In order to mirror the existing arrangements for permanent Directors, the following changes are proposed for Assistant Directors. Changes are shown in bold italics.

11.5.2 Recruitment of Head of Paid Service, Directors, S151 Officer, ~~and~~ Monitoring Officer ***and permanent Assistant Directors***

Where the Council proposed to appoint any of the aforementioned and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- a. draw up a job description and person specification;
- b. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c. Make arrangements for a copy of the job description and person specification to be sent to any person on request.

11.5.4 Permanent Appointment of other Directors ***and Assistant Directors*** (excluding S151 Officer)

- a) Executive members will be informed of Personnel Board's decision and given an opportunity to make a well-founded objection to the appointment then;

- b) subject to the majority of Executive Members not objecting, Personnel Board to make the appointment.

### 11.5.6 Other Appointments

Officers below **Assistant** Director

Appointment of Officers below **Assistant** Director is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors. The exception to this *is* are;

- b) Assistants to Political Groups – appointment of an assistant to a political group shall be made in accordance with the Council's recruitment procedure and involve that political group in the selection process and decision.
- c) ~~The Monitoring Officer – appointment of the Monitoring Officer will be made in accordance with the process detailed in Rules 11.5.2 and 11.5.3~~

It is proposed that the Personnel Board's terms of reference be amended as followed to reflect the amended arrangements for the appointment of permanent Assistant Directors (excluding the Monitoring Officer).

### 8.6.1 Functions of the Personnel Board

The Personnel Board shall comprise seven Members of the Authority, appointed by the Council in accordance with the rules of political balance. At least one Member of the Board shall be a Member of the Executive. In addition, Council shall appoint substitute Members who shall be entitled to deputise for, and inherit the voting rights of, a Member of the Board when the appointment **of permanent Assistant Directors or the appointment** or dismissal of or disciplinary action in respect of the Head of Paid Service or Directors is being considered...

- a) To deal with the appointment and Terms and Conditions of service of the Head of Paid Service, and Directors **and Assistant Directors**. In relation to the Head of Paid Service, the Personnel Board shall make a recommendation to the Council.
- b) To discharge the Council's functions relating to the appointment **of Assistant Directors and the appointment**, dismissal or disciplinary action in respect of the Head of Paid Service, or Directors;

### 8.6.7 Procedure for the Appointment of Head of Paid Service, or Directors or **Assistant Directors**

Meetings of the Personnel Board to shortlist, interview or appoint **the** Head of Paid Service, or Directors **or Assistant Directors** shall be convened by the Chief Executive in consultation with the Chairman of the Board. **For Director appointments the Head of Paid Service will attend all relevant recruitment meetings and provide advice to**

***the Board. For Assistant Director appointments the relevant Director will attend all relevant recruitment meetings and provide advice to the Board.*** Detailed arrangements for the meetings shall be set out in the Agenda for the meeting which shall be dispatched in accordance with the normal Access to Information Procedure Rule set out in Chapter 3.2.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

### **Other financial information relevant to the Recommendation/Decision**

None

### **Cross-Council Implications**

This report impacts senior management posts across the Council.

### **Public Sector Equality Duty**

The Council is an equal opportunities employer with the appropriate policies and practices in place.

### **List of Background Papers**

None.

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