

TITLE	Recruitment and Appointment of Directors and Assistant Directors (Permanent and Interim)
FOR CONSIDERATION BY	Council on 24 March 2022
WARD	None Specific
LEAD OFFICERS	Andrew Moulton, Assistant Director Governance Christine Bennett, Interim Assistant Director Human Resources

OUTCOME / BENEFITS TO THE COMMUNITY

Clarification of recruitment processes for Directors and Assistant Directors.

RECOMMENDATION

Personnel Board recommends to Council that:

- 1) changes to the appointment processes for Directors and Assistant Directors, as set out in the report, be agreed;
- 2) changes to the appointment processes for Directors and Assistant Directors will not apply to any recruitment process that has already started.

SUMMARY OF REPORT

This report was previously considered at Personnel Board on 7 February 2022 where it was resolved that

- 1) CLT be consulted on the proposal that the relevant Executive Member, Chairman of Personnel Board and the Leader of the Opposition be consulted prior to the extension of the contract of an Interim Director or Assistant Director following an initial 12-month appointment;
- 2) The views of CLT and the report be brought back to the next Personnel Board meeting for consideration.

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.

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.

CLT has considered the issue and proposed that the process for an extension to an interim contract is consistent with the appointment process for interims.

This report was further considered and agreed at the Personnel Board meeting held on 15 March 2022. In addition, Personnel Board recommended to Council that changes to the appointment processes for Directors and Assistant Directors would not apply to any recruitment process that had already started.

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.

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
---	--

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 <i>in consultation with the Leader, relevant Executive Member(s) and Chairman of Personnel Board</i> will appoint on an interim basis a director for a period not exceeding 12 months, pending permanent replacement. <i>Subject to the agreement of the Chairman of Personnel Board and the Leader this period can be further extended as required.</i>
---	---

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)	<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>
---	--

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:

- 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.

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.

Contact Andrew Moulton	Service Governance
Telephone No 07538 757887	Email andrew.moulton@wokingham.gov.uk