

REPORT TO:	APPOINTMENTS COMMITTEE Tuesday 6 October 2020
SUBJECT:	APPOINTMENT TO Interim EXECUTIVE DIRECTOR, Children, Families & Education
LEAD OFFICER:	Chief Executive
CABINET MEMBER:	Leader, Councillor Tony Newman Cabinet Member, Councillor Alisa Flemming
CORPORATE PRIORITY/POLICY CONTEXT: The Council's management structure.	
FINANCIAL SUMMARY: The salary cost of this post will be funded from the 2020/21 budget.	

1. RECOMMENDATIONS

- 1.1 Undertake the selection and the appointment to the post of Interim Executive Director, Children, Families & Education from the candidate(s) detailed in the Part B appendices to the agenda (to follow) and in accordance with the provisions of part 4J 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 for this role, Interim Executive Director, Children, Families & Education within the pay policy interim range of £700 - £900 per day.
- 1.3 To agree the salary package for the future permanent recruitment to Executive Director, Children, Families & Education. This has been reviewed and is recommended for amendment to reflect current market rates of pay in London area to £147,000 p.a.
- 1.4 **RECOMMEND TO** full Council that the Pay Policy for the year 2020/21 be updated to include the revised spot salary for the permanent position of Executive Director Children Families & Education of £147,000 p.a.

Under section 40 of the Localism Act 2011 and the provisions of the Council's constitution.

- 1.5 Any appointment to be subject to the appointment notification process as set out in section 3.4 of part 4J of the Council's Constitution (Staff Employment Procedure Rules).

2. EXECUTIVE SUMMARY

- 2.1. This report seeks the Committee's approval to undertake the selection for the post of Interim Executive Director, Children, Families & Education.

3. DETAIL

- 3.1 The Executive Director, Children, Families & Education is a key strategic post and plays an executive role within the Council's Executive Leadership Team (ELT) and the Corporate Leadership Team (CLT) in leading and delivering corporate objectives.

As part of the Corporate Leadership Team with a direct report into the Chief Executive to provide inspiring and effective leadership and drive performance at corporate and departmental levels to deliver the Council's strategy and key outcomes.

- 3.2 The post holder will have direct management responsibility for:

- Director of Education
- Director of Early Help & Children's Social Care
- Director of Children's Improvement Programme

Localism Act 2011 and Pay Policy

- 3.3 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.

- 3.4 As set out in the Council's pay policy, the chief executive, executive directors and directors are appointed on fixed pay points, which are determined locally and subject to local review every two years. The pay policy for 2020/21 agreed by the Council in February 2020 agreed a fixed pay point for the Executive Director, Children, Families & Education of £137,700 p.a. As noted in 1.2, agreement is now sought to increase this to £147,000 p.a. to reflect the current market rate. The Committee is also requested to recommend to full Council revision of the Council's Pay Policy for 2020/21 to reference this uplift.

4 FINANCIAL AND RISK CONSIDERATIONS

4.1 Revenue and Capital consequences of report recommendations

The annual salary for this post is £147k per annum as detailed in paragraph 3.4 above and will be funded from the Department Revenue Budget.

It is estimated that the cost in the remainder of the 2020/21 Financial Year is £73.5k.

4.2 **The effect of the decision**

This is an established post and the budget identified in section 4.1 above has been aligned to the anticipated start date of the successful candidate. The appointment is expected to be effective from October.

4.3 **Risks**

There is a risk of being unable to retain the right calibre of person to this role if the salary is not comparable to the market.

4.4 **Options**

The alternative option of not filling the role; and for not making provision to appoint 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**

None identified.

Approved by: Lisa Taylor, Director of Finance, Investment and Risk (S151 Officer)

5 **LEGAL CONSIDERATIONS**

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. Despite this general flexibility there are various statutory exceptions to the principle that a Council may appoint whatever officers it thinks necessary. In particular under the Local Government Act 1972 the Council must appoint a Director of Social Services and also a Chief Education Officer. In addition, such appointments are subject to the requirement as detailed in paragraph 3.3 above in so far as Member approval is required to appoint to salary packages in excess of £100,000.

5.2 By section 38 of the Localism Act 2011 the Council is required to produce a Pay Policy each financial year. Approval and revision of the Pay Policy is a matter for full Council and cannot be delegated. The Pay Policy must include, amongst other things, the Council's policy on the remuneration of its senior staff including chief officers. Once approved, all remuneration paid to officers must comply with this Pay Policy. The Council's Pay Policy 2020/2021 provides that where it is necessary to engage a worker at Tier 1 (an executive director is a tier 1 post) temporarily as an interim the remuneration paid to the individual should fall within the day rates specified. Paragraph 3.8 of the Pay Policy provides that new Executive Director appointments will be made at the spot salary stated in Appendix A. However, should it be deemed necessary for a new appointment to be made on a salary higher than that set out for the post in Appendix A and the new salary exceeds the threshold referred to in paragraph 1.4 above, the new salary will be subject to the approval of the Appointments Committee.

5.3 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.

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: Job Description