

<b>REPORT TO:</b>	<b>APPOINTMENTS COMMITTEE</b> <b>Monday 28 February 2022</b>
<b>SUBJECT:</b>	<b>APPOINTMENT TO DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER</b>
<b>LEAD OFFICER:</b>	<b>Chief Executive and Head of Paid Service</b>
<b>CABINET MEMBER:</b>	<b>Councillor Callton Young</b> <b>Cabinet Member for Resources and Financial Governance</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 this post is contained within the existing 2022/23 budget.	
<b>KEY DECISION REFERENCE NO:</b> n/a	

## 1. RECOMMENDATIONS

- 1.1 Agree the salary package of Director of Legal Services and Monitoring Officer £104,902-£109,140 per annum under the Localism Act 2011.
- 1.2 Undertake the selection for and agree an appointment to the post of Director of Legal Services and Monitoring Officer from the candidate(s) detailed in the Part B appendices to the agenda. 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 agree the salary package and undertake the selection for the post of Director of Legal Services and Monitoring Officer.

## 3. DETAIL

### Background

- 3.1 As a member of the council's senior management, the **Director of Legal Services** will work collaboratively with other directors in the Resources Directorate, with corporate directors and directors in other directorates, and with the chief executive to deliver the Croydon Renewal Improvement Plan, the council's priorities and ways of working and a financially sustainable budget by March 2024.
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The **Director of Legal Services** will be the council's chief legal officer responsible for the provision of all legal services to the council and ensures the council remains in compliance with the law and best practice, the governance function of the council and promote the council's corporate competencies and values through day-to-day managerial behaviours.

The **Director of Legal Services** will provide high quality professional advice to the corporate director of resources, the chief executive, Leader and Cabinet, the Scrutiny and Overview Committee and any other external bodies of the council.

The post holder holds the statutory post of Monitoring Officer (MO) in accordance with section 5 of the Local Government and Housing Act 1989.

The post holder holds the role of the council's Proper Officer in accordance with the Local Government Act 1972.

### Recruitment Campaign Approach

The Croydon Senior Leadership Team recruitment campaign commenced in October 2021 following a competitive tender process which appointed Penna as the Council's executive search agent. Advertising went live on 4 November 2021 and closed on 28<sup>th</sup> November 2021 for Corporate Directors and Chief People Officer and Wednesday 08 December for Director roles.

Advertising for the role included:

- MJ – Print and online
- Twitter
- Linked In
- Diversity Programmatic
- Croydon.gov internal and external jobsites
- Penna.com jobsite

During this time, over 300 prospective candidates have been engaged in conversation and candidate attraction. In general the response has been positive, and the opportunity to update the market on the Croydon positioning has been welcomed by the candidate market, with many behind in their knowledge of the Council's financial and governance situation since the headlines in 2020. The significant progress, honesty and transparency set out in the campaign and in subsequent follow up calls with Penna and the Chief Executive has assured and motivated candidates to submit applications.

### Focus on Diversity

- Penna's Lead for Diversity and Inclusion has been working on the roles to deliver best practice approaches and to ensure all areas of the recruitment programme are supportive of diversity and inclusion
  - Job inclusion reviews were completed on the core job descriptions and person specifications to ensure that all foundation documentation met best practice and removed unconscious bias
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- Search activity was 'levelled up' to ensure all outbound targeted activity included mapping of all protected characteristic prospective under-represented candidates across top tier local government and wider public sector organisations
- Programmatic media was used to target passive candidates using data from trusted social media partners focused on prospective candidates in under-represented areas for the Croydon leadership team.
- Advertising in The MJ both in print and on line reaches a wide and diverse audience across local government and the roles have been promoted on both Penna.com and Croydon.gov websites
- Re-targeting potential candidates that had shown an interest in the advertising but had not applied to ensure that candidates who may be unsure about applying have the opportunity to talk directly to Penna or the Council to answer any questions
- Advertising messaging was developed to ensure that visuals, messages, explicit and implicit, were encouraging and welcoming of diversity in candidates
- The micro site landing page clearly promoted the Council's equalities statements and commitments and through the copy in all the job descriptions and creative artwork we have been openly supportive of diversity
- The initial application assessment and longlisting will be carried out using appropriately redacted applications

### Next Steps

Longlisting meetings have taken place throughout December, January and February 2021 between the Council and Penna to screen the candidates and progress those suitable to the next stage which is a Technical Assessment interview with Penna and a suitably qualified external independent expert.

A full candidate report will be produced as a result of the Technical Assessment to enable further screening.

The Appointments Committee has been convened to conduct short-listing on Monday 28<sup>th</sup> February 2022. Applications will be redacted to ensure equality, diversity and inclusion best practice and candidate anonymity.

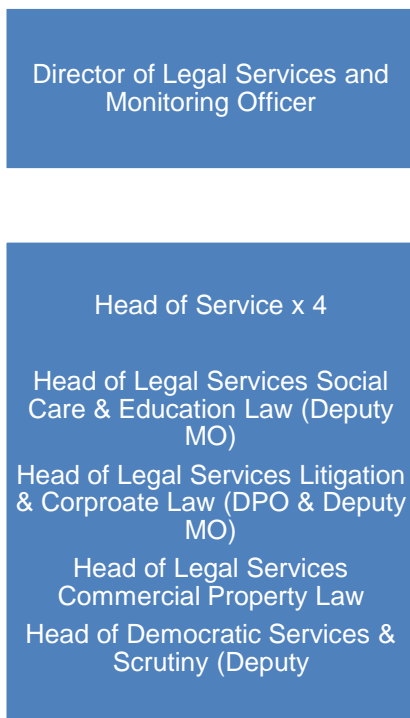
Once short-listing is agreed appropriate Stakeholder Panels will take place as follows for the role:-

1. Direct reports
2. 1:1 with Corporate Director Resources (S151)
3. Staff and Guardians

The Appointments Committee will then agree which candidates will be taken forward for final panel interview which will be held on Tuesday 15 March 2022 when the committee will reconvene.

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### 3.2 Structure chart



### 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 agreed by the Council on 08 March 2021, it was anticipated that a new pay range for Croydon Chief Officer Grades would be introduced in line with the new senior management structure. This includes new Director roles. The Pay Policy provided that these roles would be placed on a grade and salary within the Croydon Chief Officer Grades 1 and 3 following evaluation of their post using the Hay job evaluation scheme with provision for incremental progression to the top spinal point of the grade. The Policy also provides that the salaries will be reviewed in line with national awards as determined by the JNC for Local Authority Chief Executives. The Council on 05 July 2021 agreed the new Job Descriptions for the three most senior tiers of management. This included agreeing the salary scale for the Director of Legal Services and Monitoring Officer at Grade 2 £104,902-£109,140.
- 3.5 Under these arrangements the Director of Legal Services and Monitoring Officer would receive a salary package which would engage the Committee's discretion in
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accordance with the delegation set out in paragraph 3.4 above and therefore a decision is required by the Committee to appoint at this pay level.

- 3.6 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

	Current year	Future Years		
	2022/23	2023/24	2024/25	2025/26
	£'000	£'000	£'000	£'000
<b>Revenue Budget available</b>	109.1	109.1	109.1	109.1
<b>Effect of decision</b>	109.1	109.1	109.1	109.1
<b>Overspend / (underspend)</b>	0	0	0	0

\*appointment will not be in place before start of 2022/23

##### 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 salary costs arising from this decision can be met from the 2022/23 budget.

##### 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. Failure to appoint a suitable candidate to this role will result in a lack of strategic leadership for the organisation.

##### 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**

None identified.

Approved by: Richard Ennis, Interim Corporate Director of Resources (Section 151 Officer)

### **5 LEGAL CONSIDERATIONS**

**5.1** The Head of Litigation and Corporate Law comments on behalf of the interim 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. However, 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** The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution provides for a notification process to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment which must occur before an offer of appointment can be made to him/her.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the interim 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.

### **7. HUMAN RESOURCES IMPACT**

7.1 There are no additional human resources impacts beyond those described in the body of the report.

Approved by Dean Shoesmith, Chief People Officer

**CONTACT OFFICER:** Dean Shoesmith, Chief People Officer

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