

Report To:	CHIEF OFFICERS' EMPLOYMENT COMMITTEE	Date:	13 AUGUST 2019
Heading:	OPTIONS AND PROCESSES FOR APPOINTING TO THE POSITION OF HEAD OF PAID SERVICE/CHIEF EXECUTIVE, INCLUDING INTERIM ARRANGEMENTS		
Portfolio Holder:	LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY		
Ward/s:	NOT APPLICABLE		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To advise the Committee on the options for appointing to the position of the Head of Paid Service/Chief Executive and to consider the process for such appointment. To also consider interim arrangements.

Recommendation(s)

Committee is asked to:

- 1. Confirm the preferred option and process for recruitment to the role of CEO/Head of Paid Service.**

Depending upon the preferred option, Committee may also be required to:

- 2. Instruct the HR Manager to carry out a review of the Job Description and Person Specification for the role of CEO/Head of Paid Service to present to a future meeting of the Committee for approval.**
- 3. Instruct the HR Manager, in conjunction with East Midlands Councils, to carry out a salary benchmarking exercise to present to a future meeting of the Committee for approval.**
- 4. Authorise the HR Manager to produce a specification for the services required from the recruitment agency and to instruct the Procurement Unit to seek quotations.**
- 5. Delegate authority to the Leader (in consultation with the Monitoring Officer) to appoint the successful recruitment agency.**
- 6. Approve the outline timeline set out in the report with a formal recruitment process commencing in January 2020.**
- 7. Approve the appointment of Carol Cooper-Smith as the Interim Chief Executive from 16 September 2019 for up to 10 months; and**
- 8. Recommend that Council approves the appointment of Carol Cooper-Smith as Head of Paid Service from 23 September 2019.**

Reasons for Recommendation(s)

The Council is legally required to appoint one of its officers to the position of Head of Paid Service. The Head of Paid Service is also currently the Chief Executive. The current Chief Executive has tendered his resignation.

Alternative Options Considered

(with reasons why not adopted)

As set out above, the Council must appoint a Head of Paid Service to comply with legislation. The report outlines the various options in relation to the appointment of a new Head of Paid Service and the potential processes and practical arrangements which will need to be considered.

Detailed Information

Background

The Council is required by legislation to appoint one of its officers as the Head of Paid Service. The role may be undertaken by any of its Chief Officers, although the Monitoring Officer cannot also be the Head of Paid Service. The current senior management structure incorporates a Chief Executive and the Chief Executive has been appointed as the Head of Paid Service. The current Chief Executive has tendered his resignation and will leave the Authority on 22 September 2019.

The Role of the Chief Officers' Employment Committee

In accordance with the Constitution, the Chief Officers' Employment Committee is responsible for the appointment of Chief Officers and Statutory Officers. The Committee is required to:

- decide whether to appoint a Chief Officer/Statutory Officer from an internal pool of candidates or by external advertisement;
- approve a job description and person specification for the role;
- interview shortlisted candidates in accordance with the Council's Recruitment and Selection Policy and the advice of an HR adviser;
- consider interim arrangements;
- recommend appointments (including interim appointments) of statutory officers to Council for approval.

It is also expected that the Committee will approve further details of the recruitment process such as advertising arrangements, the use of a recruitment agency or other advisers to the Committee and the timeline for recruitment.

Options

There are several options for the Committee to consider in relation to the vacancy which are briefly as follows:

1. Internal appointment process for the role of Head of Paid Service/CEO;
2. External appointment process for the role of Head of Paid Service/CEO;
3. Other options rather than simply retaining Head of Paid Service/CEO, such as shared Head of Paid Service/CEO, not appointing a CEO (deleting the post) and designate an existing Chief Officer as Head of Paid Service;
4. Interim appointment to the role of Head of Paid Service/CEO whilst the role is reviewed and a recruitment process is put in place for options 1 or 2.

The Leader has indicated his preference for option 2 (external recruitment process for a Head of Paid Service/CEO) and the report is prepared on this basis. In accordance with the Committee's terms of reference, it is therefore asked to confirm its preferred option and process for recruitment.

Job Description and Person Specification

As set out above, it is the role of the Committee to approve the Job Description and Person Specification for the role of CEO/Head of Paid Service.

The existing job description and person specification has not been updated since 2015 and a review is necessary to ensure the Competency Framework adopted by the Council in the intervening period is incorporated.

Committee is asked to instruct the HR Manager to carry out a review of the Job Description and Person Specification for the role of CEO/Head of Paid Service to present to a future meeting of the Committee for approval.

Terms and Conditions of Employment and Salary

In order to ensure the salary and terms and conditions for the Head of Paid Service/CEO is in line with those of similar positions, it is advisable for the HR Manager, in conjunction with East Midlands Councils, to carry out a salary benchmarking exercise. The benchmarking exercise will be reported to a future meeting of the Committee along with the amended Job Description for approval prior to formally advertising the role.

The terms and conditions of service for the post of Chief Executive are governed by the “*Joint National Councils (JNC) for Chief Executives*” and it has been the practice of the Authority for the JNC Protocols to be applied to the Chief Executive’s employment. The Council’s employment policies are also applicable.

The Committee is recommended to instruct the HR Manager, in conjunction with East Midlands Councils, to carry out a salary benchmarking exercise to present to a future meeting of the Committee for approval.

Recruitment Agency

If the Committee decides to advertise the role externally then it would be advisable for the Council to use a specialist recruitment agency as part of the process to assist with an Executive Search.

In order to comply with Contract Procedure Rules, the Council will be required to seek a minimum of 3 written quotations before appointing a recruitment agency.

Committee is asked to:

- a) **Authorise the HR Manager to produce a specification for the services required from the recruitment agency and to instruct the Procurement Unit to seek quotations; and**
- b) **Delegate authority to the Leader (in consultation with the Monitoring Officer) to appoint the successful recruitment agency.**

Indicative Timeline

In light of the review and benchmarking work which needs to be undertaken, the preparation work required to plan for a recruitment process and, in the event that the Committee decides to carry out

an external process, the procurement of the recruitment agency, it is expected it will be a number of months before the role can be advertised. Committee should also ensure the recruitment process occurs at an optimal time, avoiding periods such as Christmas.

It is, therefore, anticipated that a further report will be brought to a Chief Officers' Employment Committee in early December 2019 to seek formal approval for the job description, salary and detailed recruitment process and timeline. It is proposed that the formal external recruitment will commence in January 2020.

Committee is asked to approve the outline timeline set out above with a formal recruitment process commencing in January 2020.

Interim Appointment

As set out above, the current CEO will leave the Authority on 22 September 2019. In the event that the Committee decides to carry out a full external recruitment for the role, and bearing in mind the indicative timeline above, it will not be possible for the newly appointed CEO/Head of Paid Service be in post prior to the current CEO's departure. As previously noted, the Council is legally required to have an officer appointed as Head of Service in place at all times to meet its statutory obligations. In light of this, the Committee is asked to consider the following options for interim arrangements:

1. Select an Interim CEO/Head of Paid Service from members of the corporate management team who declares an interest in the role.
2. Seek an interim CEO/Head of Paid Service from outside of the Council.

Previous advice presented to this Committee has not encouraged selecting an Interim CEO/Head of Paid Service from members of the corporate management team if there are internal officers who would apply for the permanent role. The reasons being twofold:

- a) Their suitability for the interim role could not easily be divorced from deliberations on an individual's application for the permanent position; and
- b) If there is interest from more than one internal officer, making an internal interim appointment would potentially provide one individual with an advantage over others for the permanent role which could create potential accusations of unfairness in the process.

In light of the advice previously given to the Committee and the need to ensure an interim appointment is made in a timely manner to enable a handover period with the current CEO, the Leader is recommending the appointment of Carol Cooper-Smith as Interim CEO/Head of Paid Service. Carol has had two lengthy periods of employment with the Council at Director level and as such she knows the organisation and the District well and will be able to hit the ground running. During her time with the Council she has built good working relationships with partners and stakeholders, such as the Police and the Local Enterprise Partnership, which will also ensure a consistency in approach during the interim period. Carol is available to commence the position without delay, as set out below, and has confirmed that she is happy to take up the role on an interim basis.

It is proposed that the interim appointment will be on the same terms and conditions of service (using the existing job description) as for the current CEO/Head of Paid Service.

It is suggested that, subject to Council approval, Carol will commence employment as Interim CEO on 16 September 2019 and be appointed to the Head of Paid Service role with effect from 23 September 2019 following the departure of the current CEO.

In light of the indicative recruitment timeline set out above, the length of time the recruitment process will take and the potential for notice periods if the permanent appointment is external to the organisation, it is suggested the interim arrangement with Carol Cooper-Smith is approved for up to 10 months.

The Committee is asked to:

- a) Approve the appointment of Carol Cooper-Smith as the Interim Chief Executive from 16 September 2019 for up to 10 months; and**
- b) Recommend that Council approves the appointment of Carol Cooper-Smith as Head of Paid Service from 23 September 2019.**

It is anticipated that an Extraordinary Council Meeting will take place in early September 2019 for the approvals to be obtained.

Recruitment and Selection Training

Members who are yet to receive recruitment and selection training will be able to undertake this prior to the recruitment process taking place.

Electoral Registration Officer and Returning Officer

It is to be noted by the Committee that separate appointments will be necessary through **Council** in respect of the roles of Electoral Registration Officer and Returning Officer as these are not automatically roles of the CEO/Head of Paid Service. A report will be presented to the Extraordinary Council meeting which will take place in early September 2019.

Implications

Corporate Plan:

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

The Chief Officers' Employment Committee Terms of Reference are set out at 1.8 of Part 3, Scheme of Delegation in the Constitution. The Employment Procedure Rules are set out in Part 4, Rules of Procedure in the Constitution.

Section 4 of the Local Government and Housing Act 1989 requires the Council to appoint one of its officers as the Head of Paid Service. In accordance with Section 5(1A) of the 1989 Act, the Head of Paid Service cannot also be the Monitoring Officer.

The procurement process for the engagement of a recruitment agency will comply with Contract Procedure Rules as set out above.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	At this stage of the process costs relate to overlap costs of CEO and Interim which will be in the region of £1,900 (70% General Fund share). Future costs of the recruitment agency, advertising and other recruitment costs will be calculated in the interim and reported to COEC in December 2019.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	30% of the CEO salary is charged to the HRA. This would be an additional one-off cost of £800.
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Failure to have a Head of Paid Service in place at all times would be a breach of statutory provisions.	This will be mitigated by the Committee proceeding as recommended to set out a recruitment process and by the Council appointing an interim CEO/Head of Paid Service.

Human Resources:

HR have been involved in the body of the report, all relevant policies and procedures will be adhered to throughout the process.

Equalities:

All relevant policies and procedures will be adhered to throughout the process.

Other Implications:

None.

Report Author and Contact Officer

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