

Report of the Chief Executive to the meeting of the Appointment Panel to be held on 5 April 2022

A

Subject:

Appointment process for the position of Director of Legal and Governance (previously referred to as City Solicitor)

Summary statement:

The Appointment Panel is asked to consider, in accordance with the Council's Officer Employment Procedure Rules the elements required for the search, assessment and appointment process for the recruitment to the position of Director of Legal and Governance.

EQUALITY & DIVERSITY:

The appointment to the post will support a number of priority outcome areas in the Bradford Council Plan 2021 – 2025 and in particular the priority of 'An Enabling Council' and working towards making the Council a great place to work and reflects the communities we serve. In addition, it will support the Council Equality Objectives and Equality Plan around Leadership and Workforce Diversity.

Kersten England
Chief Executive

Portfolio:

Corporate

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Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 The Officer Employment Procedure Rules in the Council's Constitution require Staffing Committee to determine whether to fill a vacancy at Strategic Director level and Director level and, if so, to establish an Appointment Panel or delegate the power to make the appointment to the Chief Executive or her nominee.
- 1.2 On 7th February 2022 Staffing Committee determined that the position of Director of Legal and Governance needed to be filled as the current post holder was serving her notice and due to leave on 31st March 2022. Staffing Committee delegated the responsibility to an Appointments Panel to appoint to the position.
- 1.3 This report outlines the proposed steps within the recruitment process to appoint to the position of Director of Legal and Governance and the elements that need to be considered by the Appointment Panel.

2. BACKGROUND

- 2.1 On 7th February 2022 Staffing Committee delegated the responsibility to appoint to the position of Director of Legal and Governance to an Appointments Panel. The post of Director of Legal and Governance is a key post in leading the Legal and Democratic Services of the Council to ensure that the needs and aspirations of the citizens of the Bradford District are met. The post holder also acts as the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989. This is a statutory chief officer post. The job profile and person specification for the role is at Appendix 1.
- 2.2 A procurement process has taken place to secure the services of a search and selection consultant. Proventure Consulting have been appointed to support with the recruitment process. Proventure have already supported with the advertisement for the position and the post has been advertised.
- 2.3 In accordance with the Council's Officer Employment Procedure Rules the Appointment Panel needs to consider the process for each stage in the recruitment process, including search, short listing and interviewing to ensure a thorough and robust appointments process is undertaken.
- 2.4 The main elements of the recruitment process requiring consideration by the Appointment Panel are:
 - The role of the search and selection consultant.
 - The contents and requirements of the role. Appendix 1 shows the Job Profile and Person Specification for the post of Director of Legal and Governance.
 - Selection Process – discussion and agreement as to the elements of this stage of the process.
 - Stakeholder Engagement –to decide whether any stakeholder involvement is required. If it is decided there should be stakeholder involvement to decide whether this is by way of stakeholder panels and if so what the role of such

panels would be. It is recommended, that if a decision is made to include stakeholder engagement, that the stakeholders provide feedback to the Appointment Panel in a consultative/advisory capacity.

- Technical Advice to the Appointment Panel – discussion and agreement as to whether technical advice is required as part of the process, and if so, who should provide technical advice to the Panel.
- Assessment Centre activities - discussion and agreement as to the elements within this stage of the process to fully measure and assess the suitability of applicants, for example by way of technical interviews.
- Timetable - as far as possible to agree a proposed timetable for the recruitment process.

3. OTHER CONSIDERATIONS

- 3.1 It is recommended that the Appointment Panel delegate to the Chief Executive in consultation with the chair of the Appointment Panel, the responsibility to liaise directly with the search and selection consultant, stakeholder participants (if it is agreed to use stakeholders) and technical advisors, in order to manage the process effectively.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 In accordance with Section 4 of the Council's Pay Policy Statement appended to this report as Appendix 2, the post of Director of Legal and Governance is graded at Assistant Director 1, which is a salary level of £100,749 rising to £106,677 per annum and appointed pursuant to the terms and conditions of employment of the Joint Negotiating Committee (JNC) for Chief Officers as amended and supplemented by local agreements and decisions. Other aspects of the remuneration are set out in Appendix B of the Pay Policy Statement 2022/23.
- 4.2 It is estimated that the cost of the consultancy services referred to at 2.2 above will be in the region of £20,000. Depending on the recruitment process additional costs may need to be factored in.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 It is important that the Council has the right skills and knowledge within the Senior Management team of the Council.

6. LEGAL APPRAISAL

- 6.1 Section 112 of the Local Government Act 1972 allows the Council to appoint such Officers that it thinks necessary for the proper discharge by the Authority of its duties. Such officers shall hold office on such reasonable terms and conditions as the Council thinks fit.

- 6.2 In accordance with the Article 4 of the Council's Constitution and the Council's last published Pay Policy Statement for the financial year 2022/23 full Council must approve any proposed salary package of £100,000 pa or more before it is offered in respect of a new post not listed in Appendix B of the Council's Pay Policy Statement 2022/23 or if it is proposed to pay more than the top of the salary range for an existing post in Appendix B (excluding pay awards) unless paragraph 9 of the pay policy statement applies.

7. OTHER IMPLICATIONS

- 7.1 There are no sustainability, greenhouse gas emission impacts, community safety, Human Rights Act, Ward and Area Committee Action Plan or Corporate Parenting implications.

7.2 TRADE UNION

The Trade Unions (Unison and GMB) will be informed of the intention to appoint to the position of Director of Legal & Governance.

7.3 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The organisation appointed will need to demonstrate compliance with data protection and information security as part of the procurement process.

8. NOT FOR PUBLICATION DOCUMENTS

Received Tender documentation referred to in 12 below.

9. OPTIONS

Not Applicable

10. RECOMMENDATIONS

- 10.1 That the Appointment Panel agrees the elements required for the recruitment process to the post of Director of Legal and Governance as briefly outlined in Section 2.4 above.
- 10.2 That the Appointment Panel delegates to the Chief Executive in consultation with the chair of the Appointment Panel, the responsibility to liaise directly with the search and selection consultant, stakeholder participants if involved and technical advisors to ensure an effective and efficient recruitment process.

11. APPENDICES

Appendix 1 – Director of Legal and Governance Job Profile and Person Specification

Appendix 2 – The Council's Pay Policy Statement 2022/23

12. BACKGROUND DOCUMENTS

Invitation to Quote (ITQ) DN582665

Contract variation to include appointment of Director of Legal & Governance. The received tender responses are Not for Publication on the grounds that they contain exempt information within paragraph 3 (information relating to the financial or business affairs of the tenderer) of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in applying this exemption outweighs the public interest in disclosing this information.