

Report of the Chief Executive to the meeting of Staffing Committee to be held on 14 June 2022

B

Subject:

Appointment process to the positions of Chief Executive for the Bradford Children's Trust, Strategic Director Children's Services, and Director of Finance & IT in accordance with the Council's Constitution and Pay Policy Statement.

Summary statement:

This report seeks approval from Staffing Committee:

1. To appoint to the following positions in accordance with the Council's Constitution and Pay Policy Statement, for the latter the Council roles:
 - (a) Chief Executive for the Bradford Children's Trust
 - (b) Finance Director for the Bradford Children's Trust
 - (c) Strategic Director Children's Services (Statutory Council DCS)
 - (d) Director of Finance (Statutory Council Section 151 Officer)
2. To appoint an Appointments Panel to be given delegated responsibility to appoint to the position of Chief Executive and Finance Director for the Bradford Children's Trust (with involvement of the Chair of the Trust and the Children's Commissioner, and subject to the consent of DfE), Strategic Director Children's Services, and Director of Finance & IT and that the Panel comprise three Elected Members (two Labour and one Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).

Equality & Diversity:

The appointment to these posts will support a number of priority outcome areas in the Bradford Council Plan 2021 – 2025. In particular, the priority of 'An Enabling Council' contributing to making the Council a great place to work and reflective of the communities we serve. In addition, it will support Council Leadership & Workforce Equality Objectives.

Kersten England
Chief Executive

Portfolio:

Corporate

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Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 In accordance with the Council's Constitution the appointment of chief officers including strategic directors and directors is a function of Staffing Committee.
- 1.2 The Council's current Senior Management structure was approved by Executive on 20 September 2016 and this approved structure includes the post of Strategic Director Children's Services and Director of Finance. The Structure is at Appendix 1 of this Report.
- 1.3 The posts of Chief Executive and Finance Director for the Bradford Children's Trust are newly established posts following the statutory direction to create a Trust for the provision of Children's Social Care. The establishment and remuneration of these posts will require Full Council approval and the Council's Pay Policy to be amended. In addition, the Chair of Bradford's Children Trust and the Bradford Children's Commissioner are required to be consulted in relation to the appointment of the Chief Executive, and the consent of the Secretary of State is required.
- 1.4 Following the resignation and departure of the substantive Strategic Director Children's Services on 31 October 2021, interim arrangements were put in place for the Deputy Director of Education and Learning to act into the Strategic Director of Children's Services post. This temporary arrangement continues.
- 1.5 Following their resignation, the current Director of Finance & IT is due to leave the Council on 31 December 2022. The post holder is currently working an extended notice period.
- 1.6 It is proposed to appoint to the posts of Strategic Director Children's Services and Director of Finance in line with the Council's Constitution and Pay Policy Statement. The Pay Policy Statement is at Appendix 2 of this Report. The current approved job profiles for both posts are appended to this report and both job profiles require some updates and job evaluation; The Strategic Director Children's Services job profile requires updating in the context of Children's Social Care and proposed Youth Justice and Early Help and Prevention transferring to the Trust and the relationship and responsibilities this role will have with the Trust. The Director of Finance job profile requires updating in the context of taking on responsibility for IT and Transformation functions of the Council and the relationship and responsibilities this role will have with the Trust.
- 1.7 It is proposed to appoint to the new roles of Chief Executive and Finance Director of the Bradford Children's Trust. It is envisaged that the post holders will be seconded to the Trust, and will in due course transfer to the Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006.

2. BACKGROUND

- 2.1. On 20 September 2016 Executive approved the current senior management structure. This structure made no changes to the post of Director of Finance other than reporting arrangements.

- 2.2. On 15 March 2022 Full Council approved the Council's Pay Policy Statement for the year 1 April 2022 to 31 March 2023.
- 2.3. On 7 June 2022 Executive approved the recruitment and appointment of a number of key posts on an interim and permanent basis for the Bradford Children's Trust. This included the Chief Executive and Finance Director.
- 2.4. Following their resignation, the Council's current Director of Finance leaves the Council's employment on 31 December 2022.

3. OTHER CONSIDERATIONS

- 3.1 In accordance with Article 12A.4 and Part 3H (the Officer Employment Procedure Rules) of the Constitution it is a function of Staffing Committee to appoint chief officers including strategic directors and directors. This function is normally delegated by Staffing Committee to a sub – committee, (an appointment panel). The power to make the appointment can also be delegated to the Chief Executive or her nominee.
- 3.2. The post of Director of Finance is a key post in leading the finance and procurement services of the Council to ensure that the needs and aspirations of the citizens of the Bradford District are met. It also acts as the statutory Section 151 Officer for the Council.
- 3.3. In accordance with Section 4 of the Council's Pay Policy Statement the posts of Strategic Director Children's Services and Director of Finance are subject 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. The Strategic Director Children's Services post is graded at SD1 (Strategic Director 1) with a salary range of £144,091 - £151,062 being one of the grade ranges and salary levels within the Council's Pay Policy Statement. The Director of Finance post is graded at AD1 (Assistant Director 1) with a salary range of £100,749 - £106,677 being one of the grade ranges and salary levels within the Council's Pay Policy Statement. Other aspects of the remuneration for these posts are set out in Appendix A of the Pay Policy Statement.
- 3.4. Staffing Committee is asked to approve the proposal to appoint to the posts of Strategic Director Children's Services and Director of Finance and IT in accordance with the Council's Pay Policy Statement and note that both job profiles require review, job evaluation and approval. Staffing Committee is asked to approve the proposal that the Appointment Panel be given delegated responsibility to appoint to the positions of Strategic Director of Children's Services and Director of Finance and IT and that the Panel comprise three Elected Members (two Labour and one Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).
- 3.5. Staffing Committee is asked to approve the proposal to appoint to the new posts of Chief Executive and Finance Director of the Bradford Children's Trust as approved by Executive on 7 June 2022.

- 3.6. A tender process has already taken place for a search and selection consultant to assist with these appointments. Penna have been appointed on 1 June 2022 as a result of this process.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 It is proposed that the appointments of the Strategic Director Children's Services and Director of Finance is in accordance with the provisions of the Council's Constitution and Pay Policy Statement as set out in section 3 above and as detailed in Appendix 2.
- 4.2 It is proposed that the appointments of the Chief Executive and Finance Director of the Bradford Children's Trust proceed in accordance with the 7 June 2022 Executive approval. Approval of full Council will be sought in relation to the amendments to the Pay Policy necessitated by the proposed appointments to these two new posts, and for the remuneration package.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 If Staffing Committee decide that there be no appointment to the positions as detailed in paragraph 3.4 above, then Staffing Committee is asked to instruct officers to prepare alternative proposals to fulfil the duties and responsibilities of the posts of Chief Executive and Finance Director of the Children's Trust, Strategic Director Children's Services, and Director of Finance and IT.

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 functions. Such officers shall hold office on such reasonable terms and conditions as the Council thinks fit.
- 6.2 The Council is under a statutory duty to appoint on merit pursuant to section 7 of the Local Government and Housing Act 1989.
- 6.3 The position of Director of Finance is a statutory chief officer post under Local Government and Housing Act 1989 and is Section 151 Officer under the Local Government Act 1972.
- 6.4 The position of Strategic Director of Children's Services is a statutory post under the Children's Act 2004.
- 6.5 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 or Area Committee Action Plan or Privacy Impact Assessment Implications.
- 7.2 There are Corporate Parenting considerations for the appointment of the Strategic Director of Children's Services and Chief Executive of the Children's Trust.

8. TRADE UNION

- 8.1 The Trade Unions will be informed of the intention to appoint to the permanent positions of Chief Executive and Finance Director for the new Children's Trust, Strategic Director Children's Services and Director of Finance.

9. ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

- 9.1 Penna, the organisation appointed demonstrated compliance with data protection and information security as part of the procurement process.

10. NOT FOR PUBLICATION DOCUMENTS

- 10.1 The recruitment documentation to be considered by the Appointment Panel when short listing, assessing and interviewing for these posts is 'Not for Publication' on the grounds that it contains both confidential information and exempt information within Paragraphs 1 (Information relating to an individual) and 2 (information identifying an individual) 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 the information.

11. OPTIONS

- 11.1 If Staffing Committee decide that there be no appointment to one or more of these positions, then Staffing Committee is invited to instruct officers to prepare alternative proposals to fulfil the duties and responsibilities of the Chief Executive and Finance Director of the new Children's Trust, Strategic Director of Children's Services and Director of Finance and IT.

12. RECOMMENDATIONS

- 12.1 That Staffing Committee agree to appoint to the following positions:
 - (a) Chief Executive for the Bradford Children's Trust
 - (b) Finance Director for the Bradford Children's Trust
 - (c) Strategic Director Children's Services (Statutory Council DCS)
 - (d) Director of Finance and IT, (Statutory Council Section 151 Officer)
- 12.2 Appoint an Appointments Panel to be given delegated responsibility to appoint to the position of Chief Executive with involvement of the Chair of the Trust and the Children's Commissioner, and subject to the consent of the DfE), and Finance Director for the Bradford Children's Trust, Strategic Director Children's Services,

and Director of Finance and that the Panel comprise three Elected Members (two Labour and one Conservative) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group (and shall include at least one Member of Executive).

13. APPENDICES

Appendix 1: Senior Management Structure

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

Appendix 3: Strategic Director Children's Services Job Profile

Appendix 4: Director of Finance Job Profile

14. BACKGROUND DOCUMENTS

None