

# Report of the Chief Executive to the meeting of Appointment Panel to be held on 7 September 2022

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## Subject:

Appointment process for the position of Director of Finance, Bradford Children and Families Trust.

## Summary statement:

The Appointment Panel is asked to consider, in accordance with the Council's Officer Employment Procedure Rules, applications received for the advertised position of Director of Finance, Bradford Children and Families Trust

The Panel is asked to select a short list of qualified applicants and agree to assess and interview those included on the short lists.

## EQUALITY & DIVERSITY:

The appointment to this post will support the successful establishment and operation of the Bradford Children and Families Trust which will have equality of access to services as an essential component. In addition, the appointment will support the Council Equality Objectives and Equality Plan around Leadership and Workforce Diversity.

## 1. SUMMARY

1.1 On 14<sup>th</sup> June 2022 the Staffing Committee agreed to appoint to the position of

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Kersten England  
Chief Executive

**Portfolio:**

Corporate

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**Overview & Scrutiny Area:**

Corporate & Regeneration and Environment

Director of Finance, Bradford Children and Families Trust and delegated the responsibility to appoint to this position to an Appointment Panel.

## **2. BACKGROUND**

- 2.1. Through a procurement process, the Council has appointed Penna to assist in the appointment to the above post. The Job Profiles and Person Specifications for this role are outlined in Appendix 1.
- 2.2 In accordance with the Council's Officer Employment Procedure Rules set out at Part 3H of the Council's Constitution the Appointment Panel needs to consider the applications received for the post, select a short list of qualified applicants and agree to assess and interview those included on the final short list.

## **3. OTHER CONSIDERATIONS**

- 3.1 It was agreed to delegate to the Chief Executive in consultation with the Chair of the Appointment Panel, and the Chair of Bradford Children and Families Trust, the responsibility to liaise directly with the search and selection consultant (Penna), stakeholder participants if involved, and technical advisors to support and ensure an effective and efficient recruitment process.
- 3.2 An overview report detailing candidates, recommendations for shortlist and information on the stakeholder panels will be circulated separately prior to the meeting of the Appointment Panel.
- 3.3 Members should note that it is proposed that the Finance Director of the Trust will initially be employed by the Council but the employment of the post holders will transfer to the Trust when the Trust becomes operational, which is planned to be 1 April 2023.
- 3.4 As members are aware, the Commissioner's Report of January 2022 concluded that operational control of some of the Council's children's services should be removed to an alternative delivery model to support an improvement in services and outcomes. In response the Council agreed to voluntarily establish a Children's Trust to discharge its children's social care functions under a service contract between the Council and the Bradford Children and Families Trust. This has resulted in the issue by the Secretary of State for Education of a statutory direction requiring the Council to take necessary steps to establish the Trust under the supervision of the Commissioner and the Department for Education.
- 3.5 The Council has entered into a Memorandum of Understanding ("MOU") with the Secretary of State for Education dated 20 July 2022) providing for the future provision of the Council's Children's Social Care Services through a wholly owned subsidiary of the Council. The relevant parts of the MOU provide as follows :-

6.6.3 the Company Finance Director shall be selected following a recruitment process which shall be undertaken by the Council in consultation with the Secretary of State, Commissioner, the Chair and (if appointed at that time) the Company Chief Executive. As part of this recruitment process, a list of suitable candidates shall be selected and agreed between the Council, the Commissioners, the Chair and (where applicable) the Company Chief Executive. The Commissioners, Chair and (where applicable) the Company Chief Executive shall, subject to paragraph 6.6A, form part of and be actively engaged in the decision-making of the Council's Appointments Panel for the Company Finance Director. Any disputes whatsoever in relation to such process (including the outcome) shall, prior to any decision being formally made by the Appointments Panel in respect of such appointment, be dealt with pursuant to paragraph 10.5 of this MoU;

6.6A The Parties acknowledge and agree that, as part of the participation of the Commissioners, Chair and (where applicable) the Company Chief Executive on the Council's Appointments Panel pursuant to paragraphs 6.6.2 and 6.6.3 above:

6.6A.1 they shall form part of, advise and make recommendations to the Council's Appointment's Panel in connection with the appointment of the Company Chief Executive and the Company Finance Director (as applicable); and

6.6A.2 the Council's Appointments Panel shall give due consideration to and take such advice and recommendations into account in making any decisions regarding such appointments.

The disputes resolution process provided at paragraph 10.5 of the MOU states as follows: -

10.5 Any dispute that may arise as to the interpretation or application of this MoU shall be settled by discussion between the Parties in the first instance. However, where the Parties are unable to agree on a resolution to any such dispute within one (1) week of the relevant dispute arising, the Parties agree to use all reasonable endeavours to seek to resolve any such dispute by:

2.1.1 referral of the same to a meeting of the Council's Chief Executive and Trust's Chair; and

2.1.2 should the matter be unresolved following a meeting convened under paragraph 10.5.1 above, the matter shall be escalated for discussion and resolution at a meeting of the Council's Chief Executive, the Trust's Chair and the Commissioners.

3.6 Accordingly, as required by the MOU the Chair and the Commissioners will join the Appointment Panel for the recruitment processes in relation to this post. The role of the Chair and Commissioners (and the Chief Executive in relation to the Finance Director post) is as set out above in paragraph 6.6A of the MOU. If a dispute arises as to the best candidate, such dispute must be dealt with in accordance with paragraph 10.5 of the MOU set out above.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

4.1 In accordance with Section 4 of the Council's Pay Policy Statement 2022/23 appended as Appendix 2 of this report the post is 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 and are graded as:

D1 Director of Finance, Bradford Children and Families Trust (£110,868 - £121,753)

4.2 It should be noted that in the report to Council dated 12 July 2022 members were asked to note as follows –

The Pay policy at Appendix A provides at paragraph 9 as follows - Flexibility to Address Recruitment Issues for Vacant Posts

*“In the vast majority of circumstances, the provisions of this pay policy statement will enable the Authority to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element of the overall remuneration is not sufficient to secure an effective appointment. This pay policy statement recognises that this situation may arise in exceptional circumstances and therefore a departure from this policy can be implemented without having to seek full Council approval for a change of the pay policy statement. Such a departure from this pay policy statement will be expressly justified in each case and will be approved through an appropriate Authority decision making process.”*

*In accordance with the above paragraph, members are asked to note in relation to the proposed appointments of the Chief Executive and the Finance Director of the Children’s Trust, initial job evaluations have been carried out in relation to both these roles. However, the full extent and nature of the responsibilities of those two roles have not yet been fully established and there are ongoing discussions between the Council, the Department for Education, the Children’s Commissioner and the recently appointed Chair of the Board. The view is that the Council’s salary scales will not adequately reflect the remuneration packages that the market is likely to dictate in order to attract suitable candidates for these roles. This also applies to the role of Deputy Director Children’s Social Care, which will become the Director of Children’s Social Care in the Children’s Trust. However, it has not yet been possible to arrive at a firm view re the appropriate remuneration package. Accordingly, it is proposed that delegated authority be given to the Chief Executive, in consultation with the Portfolio Holder for Children’s Services, and also after undertaking consultation with the S151 Officer, the Department for Education and the Children’s Commissioner, to authorise an appropriate remuneration package in respect of the Chief Executive and Finance Page 26  
Director of the Children’s Trust.*

At the meeting of Full Council on 12 July 2022, where the updated Pay Policy Statement for 2022/23 was approved, it was approved that the Chief Executive be given authority in consultation with the Portfolio Holder for Children’s Services, and also after undertaking consultation with the S151 Officer, the Department for Education and the Children’s Commissioner, to authorise an appropriate remuneration package in respect of the post of Finance Director of Bradford Children and Families Trust.

This role will be funded within the approved budget that will be negotiated with the trust. The role is required to meet the requirement for the Trust to be operationally Independent and is a role appointed within other trusts.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 It is essential that a person with the rights skills is recruited to this post to enable the successful performance of the Bradford Children and Families Trust.

## **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 This appointment is being made to enable this key post holder to take up the positions as early as possible. The post holder will initially be employed by the Council but will then transfer to the Trust when it becomes operational.

## **7. OTHER IMPLICATIONS**

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

## **8. TRADE UNION**

The Trade Unions have been informed of the intention to appoint to this post.

## **9. ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None

## **10. NOT FOR PUBLICATION DOCUMENTS**

- 10.1 The recruitment documentation to be considered by the Appointment Panel when short listing, assessing and interviewing for the post outlined earlier 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 That Members consider whether to agree to the recommendations

## **12. RECOMMENDATIONS**

- 12.1 That the Appointments Panel consider applications received and select a short list of qualified applicants and agree to assess and interview those included on the short list.
- 12.2 That the Appointments Panel consider progress made on the recruitment

process so far and agree the final stage of the recruitment process including specific elements of the formal assessment, stakeholder panels and interview process including elements around timetabling and presentation/interview questions.

### **13. APPENDICES**

**Appendix 1** – Job Profiles and Personal Specifications

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

### **14. BACKGROUND DOCUMENTS**

Memorandum of Understanding between the City of Bradford Metropolitan District Council and Secretary of State for Education dated 20 July 2022