

Report of the Chief Executive to the meeting of Staffing Committee to be held on 31 January 2023

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Subject:

Appointment process to the position of Chief Executive for Bradford Council in accordance with the Council's Constitution and Pay Policy Statement.

Summary statement:

This report requests the Staffing Committee:

- To establish an Appointments Panel to appoint to the position of a permanent Chief Executive of Bradford Council and an Interim Chief Executive (if required) and that the Panel comprises five Elected Members, at least one of which must be a Member of Executive. It should be noted that the appointment of a Chief Executive is subject to the approval of Full Council.

Equality & Diversity:

The appointment to this post 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

Report Contact: Anne Lloyd
Director of Human Resources
Email:
anne.lloyd@bradford.gov.uk

Portfolio: Corporate

Overview & Scrutiny Area:
Corporate

1. SUMMARY

- 1.1 In accordance with the Council's Constitution the appointment of an Interim Chief Executive and permanent Chief Executive is a function of Staffing Committee.
- 1.2 The Council's Officer Employment Procedure Rules provide "Where there is a vacancy in the post of Chief Executive an appointment panel will be established by the Staffing Committee to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing."
- 1.3 This report recommends that Staffing Committee set up an appointment panel to appoint a permanent Chief Executive and an interim Chief Executive (if necessary), following the resignation of the current post holder, Kersten England, whose employment will end on 30 June 2023.
- 1.4 The role of Chief Executive is to lead the Authority's workforce; it has the greatest level of accountability and so warrants the highest pay level in the Authority. When setting the remuneration for the Chief Executive we will benchmark the current salary of the post with comparable salaries for Chief Executives at councils of a similar size, type and location. Specialist advice will normally be sought on an appropriate starting salary.

2. BACKGROUND

- 2.1. In January 2023 Kersten England, Chief Executive, resigned from the Council's employment. Ms England's resignation takes effect on 30 June 2023. It is recommended that the Staffing Committee moves to appoint a Chief Executive to be appointed without delay, to ensure stability and continuity in a period of significant change.
- 2.2. On 13 December 2022 Full Council approved the Council's Pay Policy Statement for the year 1 April 2022 to 31 March 2023.

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 Chief Executive. This function is normally delegated by Staffing Committee to a sub – committee, an appointment panel.
- 3.2. In accordance with Section 4 of the Council's Pay Policy Statement the post of Chief Executive 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. The Chief Executive post is graded at CEX with a range of £199,472 per annum 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.

- 3.3 It is recommended that the appointment of the Interim Chief Executive could also be made by the same Appointments Panel as designated by the Staffing Committee.
- 3.4 It should be noted that under Article 14 of the Constitution the Chief Executive is appointed as the proper office for the purpose of fulfilling the duties of Returning Officer, and any interim Chief Executive will accordingly also have to fulfil these duties, with the appropriate fee payments.
- 3.5 Staffing Committee is asked to establish an Appointments Panel to appoint to the post of Chief Executive in accordance with the Council's Pay Policy Statement and note that the job profile require review, job evaluation and approval.
- 3.6. A process is currently taking place to secure a credible and experienced selection consultant to assist with this appointment.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 It is proposed that the appointment of the Chief Executive of Bradford Council 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.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 It is a legal requirement that the Council designate one of its officers as Head of Paid Service. If Staffing Committee decide that there be no appointment to the position of Chief Executive as detailed in paragraph 3.4 above, then Staffing Committee is asked to instruct officers to prepare alternative proposals to fulfil the legal requirement to have a Head of Paid Service.

6. LEGAL APPRAISAL

- 6.1 Local authorities are required by Section 4 of the Local Government and Housing Act 1989 to designate one of their officers as Head of Paid Service, so there must be a Head of Paid Service at all times. At this Authority, as at most, that person is the Chief Executive.
- 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 Any proposed appointment must be approved by Full Council.
- 6.4 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.

8. TRADE UNION

- 8.1 The Trade Unions will be informed of the intention to appoint to the position of Chief Executive of Bradford Council.

9. ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

- 9.1 The selection consultants will be asked to demonstrate 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 As referred to above at paragraph 6.1, it is a legal requirement that the Council designate one of its officers as Head of Paid Service. If Staffing Committee decide that there be no appointment to the position of Chief Executive as detailed in paragraph 3.4 above, then Staffing Committee is asked to instruct officers to prepare alternative proposals to fulfil the legal requirement to have a Head of Paid Service.

12. RECOMMENDATIONS

- 12.1 That Staffing Committee establish an Appointments Panel to appoint a permanent Chief Executive and if required an interim Chief Executive, and such panel should comprise of five Elected Members (three Labour, one Conservative and one Lib Dem/Green) with the membership to be on the nomination of the Leader of Council and Leader of the Conservative Group and in consultation with the Lib Dem/Green Group (and shall include at least one Member of Executive).

13. APPENDICES

Appendix 1: The Council's Pay Policy Statement 2022/23
Appendix 2: CEX Job Profile

14. BACKGROUND DOCUMENTS

None