



Northumberland County Council

STAFF & APPOINTMENTS COMMITTEE

15th August 2022

PROPOSED APPOINTMENT PROCESS - DIRECTOR OF LAW & CORPORATE GOVERNANCE

Report of the Interim Director of HR/OD

Purpose of the Report

This report sets out the proposed appointment process for a permanent Director of Law & Corporate Governance. Ms Suki Binjal has been discharging the statutory duties associated with the Monitoring Officer on Interim basis since October 2021.

This report aims to set out the structure of the permanent appointment process and remind the committee of the requirements under the Officer Appointment Procedure Rules in relation to the appointment of all Chief and Deputy Chief Officers.

Recommendations

Members are asked to agree the following recommendations:

- To receive the report.
- Agree and/or amend the proposed Job Description for the Director of Law & Corporate Governance. Appendix 1
- Agree the involvement of Penna executive recruitment in line with the previous procurement process.
- Agree and/or amend the proposed timetable for the recruitment process. Appendix 2
- Agree the selection methodology including the names of members to be assigned to the various recruitment panels. Appendix 3
- Agree and/or the remuneration for the post of Director of Law & Corporate Governance with a suggested salary range of £125,000 - £130,000. Benchmarking information in this regard is available in Appendix 4.

- Agree access to staff benefits in line with all Council employees
- Recommend the appointment process once complete to Full Council.

Link to Corporate Plan

Section 5 of the Local Government and Housing Act 1989 requires every local authority “to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”. The Director of Law and Corporate Governance will fulfil this duty.

This is a statutory designated role which is for the whole Council and the postholder will advise on all aspects of the Council’s corporate plan to ensure it is delivered lawfully.

Key Issues and Background

- Following the Caller Review and subsequent report the Council has been advised that Statutory roles should have greater significance within the Council’s Senior Leadership Structure and that it is no longer appropriate for this role to be ‘3rd tier’ as it has been until the role became vacant in the second half of 2021.
- In late summer of 2021 the Council carried out a procurement process and appointed Penna PLC - who provide Executive search services. Given that a procurement exercise had previously been carried which awarded Penna the contract to review the Senior Council Officer structure and within that made provisions for the necessary recruitment of Executive roles to be undertaken by Penna and the timetable within appendix 2 has been drawn up based on their involvement and the need to progress at pace.
- It is proposed that in order to secure the best field of quality candidates that this role be advertised nationally via Penna.
- The Council has not had a stable Leadership Team for some time and the proposed methodology of recruitment and onboarding is aimed at ensuring longevity of appointments going forward.
- There is an ongoing action plan following the Caller Review and the work being undertaken by the Strategic Shift programme which will form part of the responsibilities of the future role holder, for maximum benefit this should also form part of the recruitment and onboarding process.
- Recommend the appointment process once complete to Full Council.

Benchmarking

The Interim Director of HR/OD requested salary benchmarking information via Penna. The full entirety of their findings is available in appendix 4. Please note this is commercially sensitive data. The suggested salary range is therefore circa £125,000 - £130,000.

Outline Recruitment timeline and process/methodology

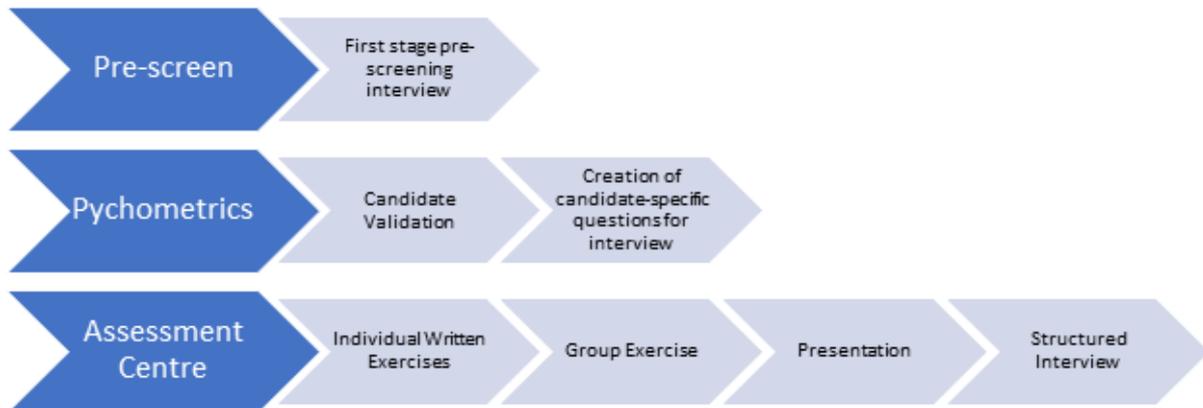
1. Recruitment Foundations

The first step is to be very clear on what a good Director looks like, so there is a clear and common understanding of the fundamental criteria of these leadership positions. This includes a;

- Review of the values, code of conduct and Nolan Principles to ensure that they are ‘operationalised’ to give clear, simple, selection criteria.

- Review of Job descriptions, person specifications and candidate packs – are they inclusive, unambiguous and inviting

2. Process



- First stage pre-screening interview to check for initial suitability against the essential criteria - This will be conducted by Penna
- Psychometric Assessment (including validation with a chartered psychologist)
 - With the report being written with specific emphasis on the Nolan Principles/code of conduct
 - Additional information about choosing psychometrics in Appendix 6
- Creation of Executive Director Assessment Centre. This will be designed to be delivered in-person, using mostly in-house assessors and co-ordinators. This could include:
 - Written scenario-based to look at critical thinking, ethical leadership etc.
 - Group discussion exercise.
 - Presentation
 - Structured Interview & informal interview (we will need to devise the interview questions, based on the outcome of the recruitment foundations scoring matrix available in Appendix 5)

3. Timeline

The draft timeline is available in Appendix 2. The process has been timed to keep to very tight timelines, keeping candidate interest and momentum, while affording the opportunity to ensure the ensuing Full Council approval process is fully adhered to.

4. The next steps

Once a suitable candidate has been determined the panel will meet and make a recommendation to Full Council.

Statutory Obligations and Pay Policy

Section 5 of the Local Government and Housing Act 1989 requires every local authority “to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”

“(2) ...it shall be the duty of a relevant authority’s monitoring officer, if it at any time appears to him that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to—

(a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment or rule of law; or

(aa) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners), or

(b) any such maladministration or injustice as is mentioned in F13 or Part II of the M1Local Government (Scotland) Act 1975 (which makes corresponding provision for Scotland); or

(c) a matter which the Public Services Ombudsman for Wales would be entitled to investigate under the Public Services Ombudsman (Wales) Act 2005,]

to prepare a report to the authority with respect to that proposal, decision or omission.”

Section 5A of the Act provides for similar provisions relating to executive decisions in respect of authorities operating executive arrangements. This applies to the County Council.

In addition, by section 38 of the Localism Act 2011 the Council is required to produce a Pay Policy each financial year. Approval of the Pay Policy is a matter for full Council and cannot be delegated. The Council’s current Pay Policy is 2022/2023 and sets out details, amongst other things, of the payment to chief officers.

The Staff & Appointments Committee is therefore required to consider and approve the appointments of the Director of Law & Corporate Governance on a salary of over £100,000 in line with the Councils agreed Pay Policy 2022/23 as follows,

“Notwithstanding any other requirement of the Constitution, any appointment within the Council that attracts a salary package of £100,000 or more will be considered and approved by the Staff & Appointments Committee. Salary package in this respect includes salary and any other fees, allowances, bonuses and benefits in kind that the post holder would routinely be entitled to”.

In addition, one of the three roles of the Staff & Appointments Committee as set out within its terms of reference in the Councils Constitution is *“To make recommendations to Council on the appointment of the Director of Law & Corporate Governance.”*

Officer Appointment Procedure Rules

The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) requires that, where a Council is operating a Cabinet and Leader model of governance, before any offer of appointment is made to a Chief or Deputy Chief Officer, the Proper Officer designated for that purpose, notifies the Leader and every member of the Cabinet of the intention to make the appointment, the name, salary and other relevant particulars of the post, and allows the Leader and Cabinet an opportunity to make any substantial or well-founded objections to that appointment, before the appointment is made. These provisions apply irrespective of whether the appointment is made by the full council, a committee, or by an officer of the council delegated to do so. The provisions are broadly set out in Part 4.3 of the Northumberland County Council Constitution.

The Council has designated the Chief Executive/Head of Paid Service as the proper officer for these purposes and therefore Mr Rick O’Farrell will discharge these duties on this occasion.

Implications

Policy	Oversight of HR Policies and Procedure
Finance and value for money	A permanent appointment is deemed to be appropriate in relation to finance and value for money and it is a statutory requirement that the Council has a Monitoring Officer in situ. The cost of the appointment can be funded non recurrently in 2022-23 from the overall Chief Executive forecast budget underspend in 2022-23. Thereafter, recurrent budget for the post will be identified as part of the overall Senior Management restructure.
Legal	<p>Section 5 of the Local Government and Housing Act 1989 requires every local authority “to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”</p> <p>Section 5 of the Local Government and Housing Act 1989 requires every local authority “to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section”</p> <p>Included in its terms of reference adopted by Council on the 4th May 2022, it is the role of the Staff and Appointments Committee to:</p> <ol style="list-style-type: none"> a) Discharge the Council’s functions as employer in relation to Chief/Deputy Chief Officers b) Consider, approve, make recommendations to Full Council in relation to the overall structure of the workforce and the number/designation of Chief/Deputy Chief Officers c) Determine the terms and conditions of employees of the Council including Chief/Deputy Chief Officers

	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to Full Council
Procurement	Agreed via procurement process through Full Council for Penna PLC
Human Resources	The appointment will be made in line with appropriate employment recruitment processes. Relevant legal implications have been set out in the body of this report.
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A X	The recruitment for this process has been in line with best practice in relation to promoting equality and diversity within the Council's recruitment processes.
Risk Assessment	Consistent with Independent Corporate Governance Review (Caller Report)
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	The recommendations will support the health and wellbeing of Council Employees at varying levels within the organisation
Wards	The recommendations not related to any particular ward but cover the whole of Northumberland.

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer / Interim Director of Governance	Suki Binjal
Executive Director of Finance & S151 Officer	Jan Willis
Interim Chief Executive	Rick O'Farrell in conjunction with the Interim Service Director for HR/OD
Portfolio Holder(s)	Staff & Appeals Committee

Authors and Contact Details

*This report has been prepared by HR & OD Service Director
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