

APPOINTMENTS COMMITTEE
Wednesday 19 October 2022
1.30 pm Luttrell Room, County Hall



To reconvene following the adjournment on Monday 17 October 2022

To: The members of the Appointments Committee

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer and Head of Governance and Democratic Services – 17 October 2022

For further information about the meeting, please contact Mike Bryant or Neil Milne in Democratic Services - Email DemocraticServices@somerset.gov.uk

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



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AGENDA

Item Appointments Committee - 1.30 pm Wednesday 19 October 2022

To re convene following the meeting adjournment on 12/10/22

1 **Apologies**

To receive any apologies and advisement of substitutes.

2 **Declarations of interests**

3 **Public Question Time**

The Chair will allow members of the public to ask any questions or make a statement about the matters on the agenda for the meeting.

4 **Exclusion of the press and public**

The committee are requested to consider and agree a resolution having been duly proposed and seconded by committee members under Schedule 12A of the Local Government Act 1972 that the press and public be excluded during the remainder of the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure to them of exempt information of the following description:

- Information relating to any individual;
- Information which is likely to reveal the identity of any individual.

5 **To appoint an Acting Deputy Director of Children's Services** (Pages 3 - 12)

To consider the recommendations of the Appointments Panel.

6 **Minutes of the meeting**

To note the agreement on made on 17 October to authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Committee.

Interim arrangements for the post of Deputy Director of Children's Services

Executive Lead Member: Cllr Tessa Munt, Lead Member for Children and Families

Division and Local Member: n/a

Lead Officer: Julian Wooster, Director Children's Services

Author: Melissa Fairhurst, Strategic Manager HR – Resourcing & Children's Services

Contact Details: melissa.fairhurst@somerset.gov.uk

1. Summary / background

- 1.1.** This report outlines the proposed process to appoint an Acting Deputy Director of Children's Services on an interim basis via an internal ring-fenced process to any suitably qualified and experienced internal applicants.
- 1.2.** The current Deputy Director of Children's Services, Claire Winter, was appointed on an acting basis to the role of Director of Children's Services, at Full Council on 5 October 2022. Her last day in the DDCS post will be 31 October 2022. This role is a key part of the Children's Services Senior Leadership team and instrumental in helping to create and maintain a financially sustainable service. The post includes statutory functions that are required in relation to the effective functioning of Children's Services.
- 1.3.** The financial and social care challenges facing Somerset County Council remain significant and it is therefore vital that this position is filled quickly.

2. Recommendations

- 2.1.** That the Appointments Panel resolves:
 - to present to the Chief Executive, the business case for the appointment of an Acting Deputy Director of Children's Services on an interim basis.
 - that no changes to the terms and conditions of the post are necessary.
 - to implement the appointments process set out in this report; and
 - to appoint the Appointments Committee as set out in this report.
 - to ask the Appointments Committee to undertake recruitment to the post in accordance with the appointments process set out in this report.

3. Reason for Recommendations

- 3.1** There is an urgent need to ensure that the Council has an experienced senior manager as the Council's Deputy Director of Children's Services, following Claire Winter's move to the acting Director of Children's Services role. The process to run an external recruitment campaign for an acting role will last longer than the notice

period in the current incumbent's contract, therefore an interim arrangement is needed.

3.2 It is recommended that the appointment is made on an interim basis as further set out in the business case attached at Appendix A to this report.

3.3 As the post is statutory, the Council's constitution requires the involvement of members in the appointment as further detailed below.

4. Constitutional requirements

4.1. The Chief Executive, having obtained the agreement of the Leader of Council, will approve the recruitment of interims at SLT on a case-by-case basis and based on a business case presented by the Appointments Panel.

4.2. The appointment to the post of Acting Deputy Director of Children's Services requires the constitution of an Appointments Panel who will:

- review the terms and conditions of employment relating to the post and where appropriate make recommendations for any changes to the Chief Executive.
- decide the appointments process or other course of action; and
- appoint the Appointments Committee to undertake the appointments process.

Further, where an appointment to an SLT post is on an interim basis the Appointments Committee must present to the Chief Executive a business case for the appointment which takes into account:

- value-for-money for the taxpayer
- the evaluated grade of the post to be covered
- the public profile of the post
- risks to the Council
- the labour market, both nationally and locally in the Southwest, for interims providing cover for similar posts in councils of a similar size.

The business case is set out at Appendix A to this report.

4.3. The Appointments Committee comprises a maximum of 5 Members including:

- the Leader of the Council (or his/her nominated representative).
- the Leader of the largest Opposition Group (or his/her nominated representative); and
- up to 3 other Members of the Council selected in accordance with the rules of political proportionality and including the relevant Lead Member.

The Appointments Committee may appoint its own chair.

The Appointments Committee will:

- interview all short-listed candidates; and either

- recommend a suitable candidate to the Chief Executive for approval; or
- follow any other course of action decided upon by the Appointments Panel.

5. The business case for appointment to the post on an interim basis

5.1. The business case for appointment on an interim basis is set out at Appendix A to this report. In summary, the business case is that:

- there is an urgent operational and financial need to appoint to the post.
- the Council has a qualified employee in post who would benefit from the opportunity to act up to the post of Director on an interim basis.
- the Council needs, wherever possible, to develop and retain its internal talent pool.
- appointment internally on an interim basis would avoid the need to recruit via an agency thereby incurring additional cost.

6. Terms and conditions of the post

6.1. The current terms and conditions of the post of the Deputy Director of Children's Services are attached at Appendix B to this paper.

6.2. The current remuneration for the Deputy DCS is a full-time salary of £110,961. This figure has a pay award pending. It is for the Appointments Committee to propose the salary for the post, in advance of Full Council. The Salary for this appointment is in accordance with the Councils Pay Policy Statement, section 7 and within the existing budget.

7. Constitution of the Appointments Committee

7.1. It is proposed that the Appointments Committee should be made up of the following members:

- Councillor Liz Leyshon (the Deputy Leader of the Council)
- Councillor Frances Nicholson (the Opposition Lead Member for Children and Families – nominated by David Fothergill the Opposition Leader); and
- Councillor Tessa Munt (Lead Member for Children and Families)

8. Proposed process for appointment

8.1. It is proposed that the role is ringfenced to suitably qualified and experienced internal applicants. Outlined below are the proposed elements of the process with estimated timeframes:

- w/c 10 October 2022: Interview to take place:
- Interview panel: with Appointments' Committee, as outlined at 7.1, Julian Wooster, Director Children's Services and Melissa Fairhurst, Strategic Manager HR - Children's Services
- Following completion of interviews Appointments' Committee recommend a suitable candidate to the Chief Executive
- 23 November 2022- Full Council Meeting, in line with 7.1.2 c(ii) of the constitution 'emergency cover for the statutory Chief Officer roles (other than Chief Executive) where these positions become vacant between Full Council meetings. Any such agreement will be subject to review and confirmation at the next available Full Council meeting'.

9. Implications

9.1. There are no financial implications to this decision, as there is no proposed increase to salary for this post. The salary for the appointment, is in accordance with the Pay Policy, Section 7 and within the existing budget. There will be no other costs arising, as we will not be engaging with a recruitment partner due to internally ringfencing the opportunity. This is likely to save a significant amount in comparison to the daily rate we would pay for an interim.

9.2. The appointment of a post at SLT level must be approved by the Chief Executive following a recommendation of the Appointments Committee under paragraphs 7.1.3 – 7.1.18 of the Council's constitution. As a statutory appointment, under paragraph 7.1.2c (ii) of the Council's constitution the appointment is subject to review and confirmation at the next available Full Council meeting, and under 7.7.6 'An offer of an appointment as an Officer, referred to in sub paragraphs (a) to (d) of 7.7.2 must not be made by the appointer until –

- A) The appointer has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.

- B) The Proper Officer has notified every member of the executive of the authority of –
- i) The name of the person to whom the appointor wishes to make the offer.
 - ii) Any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - iii) The period within which any objection to the making of the offer is to be made by the executive Leader on the behalf of the executive to the Proper Officer; and
- C) Either the –
- i) Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the executive has any objection to the making of the offer.
 - ii) Proper Officer has notified the appointor that no objection was received by him/her within that period from the executive Leaders; or
 - iii) Appointor is satisfied that any objection received from the executive Leader within that period is not material or is not well-founded.

APPENDIX A – BUSINESS CASE

Business case to commence the process to appoint to the post of Acting Director of Children's Services on an interim basis via an internal ring-fenced process.

Summary:

In summary, the business case is that:

- there is an urgent operational and financial need to appoint to the post, particularly as this is a statutory post.
- the Council needs, wherever possible, to develop and retain its internal talent pool
- appointment internally on an interim basis would avoid the need to recruit via an agency thereby incurring additional cost.

1. Context

- 1.1 Within Childrens Services a number of large-scale transformation programmes are currently underway in addition to the more regular elements of services that are delivered to children, young people and their families across Somerset. These include Family Safeguarding, the recent Fostering restructure currently being embedded, the Homes for Horizons project to establish up to 10 children's homes across Somerset to support our most vulnerable young people and to enable them to live within Somerset's boundaries, a large-scale restructure of our Inclusion and Education and Partnerships services impacting circa 500 staff and our system wide response to the SEND Written Statement of Action and Ofsted reinspection in this area.
- 1.2 The pandemic has led to increasing impacts on our Children and Young People's health and education as well as outcomes and increasing numbers of children coming into care. The current cost of living crisis will further impact here, and demand is increasing for our services. The effective leadership and management of Children's Services, of which the Deputy Director role is a part, is a crucial one as part of the Senior Leadership team for Somerset County Council, and in the future for Somerset Council, in all these areas and as well as for the financial implications for the service and authority.
- 1.3 Across Children's we have embraced collaborative working with our system colleagues, our Partners, our Provider Market, and other Stakeholders as well as the fast pace changing of legislation and policy driven by the Pandemic. However, with the creation of the ICB for Somerset as well as one Somerset Council we need to ensure our workforce is fit to meet current and future service demands to support people in achieving the outcomes that matter to them are achieved across Somerset.
- 1.4 The challenges facing Children's Services in both our statutory and non-statutory obligations are such that experienced, well-regarded professionals are needed in our leadership posts. The role of Deputy Director of Childrens Services is the key to this. It will also assist as to ensure continuity of service at this crucial time as we transition

to one Somerset Council from 1st April 2022, after which we will look to make a permanent appointment to the post.

2. Background

- 2.1 The current Deputy Director of Children's Services, Claire Winter has been appointed on an interim basis to the role of Director of Children's Services, from 1 November 2022, upon the retirement of the current Director.
- 2.2 The Deputy Director of Children's Services post is a key part of the Senior Leadership team within Children's Services and instrumental in helping to create a financially sustainable service as part of the council. The financial and social care challenges facing Somerset County Council remain significant and it is therefore vital that this position is filled seamlessly to ensure statutory requirements are met.
- 2.3 It is important that the Council has an experienced, qualified senior manager as the Council's Deputy Director of Children's Services, to ensure stability in our Children's Services leadership team. By providing this appointment as an internal acting up opportunity it will retain and further develop the knowledge, skills and experience within our existing workforce.
- 2.4 We will start the process to appoint a permanent successor in April/May 2023, to enable our corporate services to focus on Local Government Reorganisation in the run up to Vesting Day.

3. Options Considered

- 3.1 Choosing not to appoint an Acting Deputy Director of Children's Services is not a viable option, as this is a statutory post and there would be a gap between the departure of Claire Winter and the arrival of the new appointment. The Council is required at all times to have an officer in the post and the post is needed to lead on business-critical areas, as outlined in the context and background (section 1 and 2 above).
- 3.2 By internally ring fencing the opportunity, it will support retention of existing staff, promote development and significantly reduce costs in comparison to an external interim on a daily rate.

4. Implications

- 4.1 As set out in the appointment panel report para. 9. The salary for this appointment is within the existing budget. There will be no other costs arising, as we will not be engaging with a recruitment partner due to internally ringfencing the opportunity. This is likely to save a significant amount in comparison to the daily rate we would pay for an external interim.
- 4.2 Equalities implications: All necessary aspects of employment law will be followed in relation to this appointment, and it is not considered therefore that a full Equalities Impact Assessment is required.

- 4.3 Risk Assessment: This appointment will ensure that risks to the Council are minimised by having sufficient senior management focus and capacity to ensure high quality delivery of the Council's statutory responsibilities in this key service area and thereby to ensure the best possible outcomes for our service users.

APPENDIX B – TERMS AND CONDITIONS JULY 2022

Pay

The salary payable is a spot salary with no incremental progression. Figure to be proposed.

The salary will be reviewed periodically by the Council and the post is subject to annual performance appraisal.

Conditions of Service

The Conditions of Service are as agreed by the Council's HR Policy Committee.

Standards of Conduct

The Council has a Code of Conduct and Guidance for Staff, which sets out standards expected of our employees. The postholder is required to devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional employment or appointment without the expressed consent of the Council.

Probationary Period

The appointment will be subject to a probationary period of 6 months. Internal applicants who have already completed their probationary period would not normally be expected to complete this again.

Pension

The post is pensionable and subject to the provisions of the Local Government Pension Scheme (LGPS) The post holder will be automatically enrolled into the Local Government Pension Scheme.

Details of the LGPS will be provided during your first few weeks of employment with the Council. In the meantime, further details of the Scheme are available from Peninsula Pensions on their website - [Peninsula Pensions - Helping you get the most out of retirement](#)

Hours of Work

The working week is 37 hours. The postholder will be required to work such hours as are reasonably necessary to meet the requirements of the Council and will include some evening and weekend working.

Annual Leave

32 working days per annum plus public holidays.

Car Allowances

The postholder must be able to travel within and outside the county.

A mileage allowance will be payable for business purposes in accordance with the HMRC approved mileage rates.

Notice Period

The postholder and the County Council must give at least 3 months' notice to terminate the employment contract.

Data Protection

All information provided by applicants will be processed in accordance with the current Data Protection Act and GDPR requirements.

No Smoking policy

The Council has a No Smoking Policy on all Council premises.

Political Restrictions

The post is “politically restricted” under the terms of the Local Democracy Act 2009.

Criminal Convictions

The post is exempt from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act (Exceptions) Order 1975. Candidates are therefore not entitled to withhold information about criminal convictions, including those that for other purposes are considered spent, under the provisions of the Act.