



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**COUNCIL**

**14 JULY 2021**

**Report of the Managing Executive Director (CCP)**

**Appointment to the role of Executive Director Childrens Services**

## **1. Purpose**

1.1 To seek approval from Council for the salary package for the role of Executive Director Children's Services and to delegate the appointment of the Executive Director Children's Services to a recruitment panel.

## **2. Information and Analysis**

2.1 The Council has been informed that Jane Parfremment, Executive Director has tendered her resignation in order to take up a new post outside of the Council. Her last day of employment with the Council is Sunday 3 October 2021. In accordance with the Council's constitution, the Director of Organisation Development and Policy has progressed arrangements to form a recruitment panel comprising of three Elected Members which must include one Cabinet Member and Shadow Cabinet Member. Councillors Alex Dale, Julie Patten and Ruth George have been nominated as members of that recruitment panel.

2.2 Additionally, arrangements have been made to draw up a job and person profile specifying the duties, qualifications and qualities required to undertake the role. Accordingly, the role is currently being advertised as widely as possible to attract the widest possible field of applicants. The advert for the role closes on 29 July 2021.

2.3 The proposed dates for final interviews for this role will take place on 17 and 18 August 2021. It is anticipated that the Panel will have identified the successful candidate and be in a position to propose his/her appointment to the role on 18 August 2021, however the next Council meeting is not scheduled until 15 September 2021. Waiting for the approval until the meeting on 15 September would likely prevent any candidate from tendering their resignation with their current employer prior to the Council meeting and delay the candidate starting. The role is a critical role to the Council and is part of the Council's Senior Leadership structure. The Executive Director Children's Services is a statutory role, and it is therefore considered necessary that a decision to approve the appointment should be made quickly to enable this post is filled as soon as possible on a permanent basis.

2.4 On this occasion, in order to avoid delay, Council is asked to delegate the appointment to the role of Executive Director Children's Services to the recruitment panel to ensure the role is filled as soon as is practicably possible. A report will be brought to Full Council at its meeting on 15 September 2021 that confirms the details of the appointment.

2.5 Whilst it is not a legislative requirement for Council to approve the appointment of an Executive Director, the statutory guidance issued under section 40 of the Localism Act 2011 does require Council or a meeting of members to vote before salary packages over £100,000 are offered.

2.6 The role of Executive Director Children's Services salary is determined by the Council's job evaluation scheme and has been determined as Grade 20 £117,869 to £129,655 per annum of the Council's Pay structure. The terms and conditions for the post are set out in the Council's standard terms and conditions in the Derbyshire package. Council is therefore asked to approve the salary for the role of Executive Director Children's Services.

### **3. Alternative Options Considered**

3.1 The Council is required to employ an officer to fulfil the statutory role of Director of Children's Services. It is considered that any other post in the Council is not suitable to hold the designation on a permanent basis and would not be in accordance with the relevant statutory guidance; therefore recruiting to the Executive Director Children's Services role is a critical appointment for the Council.

3.2 The Council could decide not to delegate the appointment of the Executive Director, Children's Services to a recruitment panel and instead to retain the power to approve the appointment. However, this would likely prevent any candidate from tendering their resignation with their current employer prior

to the Council meeting and delay the candidate commencing employment and is not recommended for the reasons set out above.

#### **4. Implications**

4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

#### **5. Appendices**

5.1 Appendix 1 – Implications.

#### **6. Recommendation(s)**

That Council:

- a) approves the salary package for the role of Executive Director Children's Services as Grade 20, £117,869 to £129,655 per annum;
- b) delegates the appointment of the Executive Director, Children's Services to a recruitment panel, comprising Councillors Alex Dale, Julie Patten & Ruth George; and
- c) receives a report confirming details of the successful candidate to the meeting on 15 September 2021.

#### **7. Reasons for Recommendation(s)**

9.1 To comply with the necessary legislative, statutory guidance and Constitutional requirements.

9.2 To ensure that recruitment to the post of Executive Director Children's Services is conducted without delay and the successful candidate can commence employment as soon as is practicably possible.

9.3 To ensure that all Elected Members are notified of the successful candidate to a senior post within the Council.

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### **Implications**

#### **Financial**

- 1.1 This costs associated with this role can be met from within the Children's Services Department Budget.

#### **Legal**

- 2.1 Recruitment to the post of Executive Director Children's Services must be carried out in accordance with the Officer Employment Procedure Rules contained within Appendix 9 to the Constitution. The Rules specify that: "*The full Council will approve the appointment of the Head of Paid Service and Executive Directors following the recommendation of such an appointment by a politically balanced Panel of at least three members formed of the Cabinet Member or Members holding the relevant portfolio or portfolios, the Shadow Cabinet Members and additional Members from the Appointments and Conditions of Service Committee as necessary to balance the Panel.*" Whilst the decision to appoint to the post of Head of Paid Service must be made by full Council, Council can delegate authority to the Panel to approve the appointment of an Executive Director.
- 2.2 Under the Officer Employment Procedure Rules, prior to the appointment of the Executive Director, the Director of Organisation Development and Policy must give all executive members the opportunity to object to the proposed recommendation before an offer of appointment can be made.
- 2.3 The Council is required to appoint a Director of Children's Services under section 18 of the Children Act 2004 and comply with the statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services. The guidance makes it clear that as the Director of Children's Services has professional responsibility for the leadership, strategy and effectiveness

of local authority children's services, this post should be at first tier officer level and should report directly to the Head of Paid Service (Managing Executive Director).

- 2.4 The Director of Children's Services is a statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 (politically restricted posts). This means the post holder is prevented from taking part in certain political activities.
- 2.5 The Openness and accountability in local pay: Guidance under section 40 of the Localism Act provides that full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.
- 2.6 The proposals set out in the report meets the necessary legislative, statutory guidance and Constitutional requirements.

## **Human Resources**

- 3.1 Detailed in the report

## **Equalities Impact**

- 4.1 The post will be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it. The appointment process will be conducted in accordance with the Council's Recruitment and Selection Policy and any reasonable adjustments will be made for candidates in order to access the process as appropriate.
- 4.2 It should be noted that the Council has put in place a number of measures in its recruitment process in order to promote equality. These include:
- providing disabled job applicants with adjustments throughout the recruitment process to help make the process fairer, such as making reasonable adjustments at interview
  - providing all disabled people who meet the essential criteria with a guaranteed interview and by ensuring that any test or assessment is

fair to everyone and focuses on the skills and knowledge needed for the job

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