

# **Merton Council**

## **Council**

**8 July 2015**

### **Supplementary agenda**

15 Recruitment for Director of Public Health

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## **Committee: Full Council**

**Date: 8<sup>th</sup> July 2015**

Wards:

## **Subject: Recruitment for Director of Public Health**

Lead officer: Simon Williams, Director of Community & Housing

Lead member: Councillor Caroline Cooper-Marbiah

Contact officer: Dean Shoesmith, Head of Human Resources

**Reason for urgency:** In order to ensure there is no gap in our service to residents, we need to advertise the post immediately after Council approval in order to keep to an already tight recruitment timescale.

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### **Recommendations:**

- A. To agree to commence a recruitment campaign for the statutory post of Director of Public Health, as per Section 73A (1) of the NHS Act 2006, updated in April 2013 (inserted by Section 30 of the Health and Social Care Act 2012) as the current post holder is retiring towards the end of this year and the legislation requires us to fill this post.
  - B. To approve an appointment to the post of Director of Public Health on the nationally agreed salary range that potentially will reach or exceed £100,000 per annum, if this is required to ensure a properly qualified Director is recruited for this specialist post, and to note that this is consistent with salary levels when the post was part of the NHS.
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The post of Director of Public Health is a statutory post as per Section 73A (1) of the NHS Act 2006, updated in April 2013 (inserted by Section 30 of the Health and Social Care Act 2012) which means the council has a duty to appoint to this post. The current postholder will be taking retirement in November 2015 and a replacement Director of Public Health needs to be recruited in order to comply with legislation.
- 1.2. The role is a challenging one where by the post holder is required to have specialist skills and it is essential they are included in the GMC Specialist Register / GDC Specialist List or UK Public Health Register (UKPHR). Nationally approved NHS pay scales are in place and in order to attract suitably qualified and experienced candidates it is recommended that these national scales are used. . This is provided for in Public Health England and Local Government Association guidance.
- 1.3. The national terms and conditions for a Director of Public Health are either the NHS Medical and Dental pay scales, which range from £75,249 to £101,451, or the NHS Agenda for Change pay scales, which range from £65,922 to £81,618 plus a Very Senior Manager allowance. This is dependent on whether the candidate is a medic or non-medic. Recruitment

advice is that we would not be able to find a suitably qualified candidate below these nationally agreed rates.

1.4.

## **2 DETAILS**

2.1. Merton's current Director of Public Health is taking retirement in November 2015.

2.2. The post of Director of Public Health is a statutory post as per section 73A (1) of the NHS Act 2006, updated in April 2013 (and inserted by Section 30 of the Health and Social Care Act 2012) and therefore a replacement needs to be recruited in order to comply with legislation.

2.3. The role is a challenging one, and requires the post holder to have certain specialist skills and experience to enable them to provide high quality services to the residents of the borough. Merton experienced difficulty in recruiting to the role previously. Historically the role was an NHS role however was transferred to the responsibility of the Local Authority as part of the government's transfer of the Public Health function to Local Government. To allow us the flexibility of attracting high calibre candidates, who have the necessary specialist skills required to successfully lead the Public Health Service in Merton, it is recommended we use the NHS pay scales. These consist of either the Medical and Dental pay scales (if a medic is appointed) or the Agenda for Change pay scales (for non-medics).

2.4. The national terms and conditions for a Director of Public Health are either the NHS Medical and Dental pay scales, which range from £75,249 to £101,451, or the NHS Agenda for Change pay scales, which range from £65,922 to £81,618 plus a Very Senior Manager allowance. This is dependent on whether the candidate is a medic or non-medic.

2.5. In certain cases the salary of the successful candidate could potentially reach and exceed the £100k threshold i.e. if a medic was appointed, on the NHS Medical and Dental pay scales, who had the necessary 19 years experience at Consultant level.

2.6. Prior to the government's transfer of Public Health to the Local Authority, the role was paid on the same NHS pay scales that are being suggested in this report.

## **3 ALTERNATIVE OPTIONS**

3.1. The Director of Public Health is a statutory post as per section 73A (1) of the NHS Act 2006, updated in April 2013 (inserted by Section 30 of the Health and Social Care Act 2012). Therefore there is no alternative option other than to recruit a replacement.

3.2. The post could be advertised using Council pay scales but it is unlikely to yield the necessary qualified, high calibre candidate with the required specialist skills who could deliver this service to residents.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None

## **5 TIMETABLE**

- 5.1. If approval is given, the advert will appear in The BMJ on Saturday 18<sup>th</sup> July 2015. As the advert will be live at the start of the summer holidays, an extended closing date until 6<sup>th</sup> September is suggested. Shortlisting would take place week beginning 7<sup>th</sup> September, with the AAC (Appointments Advisory Committee) taking place during the week commencing 28<sup>th</sup> September.

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The 2015/16 salary budget allocation including on-costs for the Director of Public Health post is £127,980. This is the agreed pay for the current DPH - at Top-level management (VSM) grade.

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. The body of the report is correct in indicating that the Council is required to appoint a Director of Public Health under section 73A of the National Health Service Act 2006 as amended. The post is a statutory post and it carries certain statutory duties.
- 7.2. In making the appointment, the Council must act jointly with the Secretary of State having regard to any guidance issued. In practice this will mean liaising with Public Health England. Seeking the Council's agreement to and approval of the recommendations in this report is not part of the recruitment process within the meaning of the 2006 Act or the guidance issued by Public Health England
- 7.3. As with all appointments of officers and staff, the appointment must be made on merit in accordance with section 7 of the Local Government and Housing Act 1989.
- 7.4. It is understood that the Director of Public Health will primarily report to the Director of Community and Housing. Therefore, by section 2 of the Local Government and Housing Act 1989 the post of Director of Public Health will be a deputy chief officer post within the meaning of the 1989 Act.
- 7.5. Guidance issued by Public Health England covers matters of pay and says, amongst other things, that pay for Directors of Public Health may be informed by reference to existing pay arrangements in the NHS or for Chief Officers in local authorities. The guidance also says that the job will need to fit into the local grading structure and the job evaluation process should have regard to the full breath of the role.  
  
The Equality Act 2010 and the Lisbon Treaty give rights to equal pay. In setting the pay for the Director of Public Health post, the Council will need to be able to justify any differences in pay should there be any relevant equal pay challenges.

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

None

**12 BACKGROUND PAPERS**

12.1. None