

Committee: Full Council

Date: 16th September 2020

Agenda item: Appointment of Director of Children, Schools and Families; and Assistant Director of Public Protection

Wards: All

Subject: Chief Officer Recruitment

Lead officer: Ged Curran, Chief Executive

Lead member: Councillor Stephen Alambritis, Leader of the Council and Chair of the Appointments Committee

Contact officer: Liz Hammond, Head of HR

Recommendations:

- A To note and approve the recruitment salary package of £96,840 to £101,193 per annum for the post of Assistant Director, Public Protection as required by the Council's pay policy statement.
 - B To note and approve the commencement of the recruitment process for a replacement Director of Children, Schools and Families within the current Merton Director salary package of £108,564 to £125,829 per annum, plus market supplement payable at such a rate as the Chief Executive, in consultation with chair of the Appointment Committee considers reasonable and necessary in order to attract excellent candidates.
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1. Purpose of report and executive summary

- 1.1 The Council's pay policy statement requires that remuneration packages over £100k have approval of full council. This report seeks authority to recruit to two important posts at levels above that amount.

2. Details

Assistant Director, Public Protection

- 2.1 The post of Assistant Director, Public Protection has been vacant since June 2018. The post is currently being covered by an interim officer.
- 2.2 The Director of Environment & Regeneration intends to recruit to this role on a permanent basis.
- 2.3 The role is graded Management grade 5, for which the current salary ranges from spinal column point (scp) 16 with an annual salary of £94,248 to scp 17 with an annual salary of £98,484.
- 2.4 However with the recently agreed pay award of 2.75%, this would increase the salary range to £96,840 - £101,193.

2.5 As the upper salary point is now in excess of £100k, approval is sought to enable the flexibility to offer the upper salary point if an exceptional candidate is found during the recruitment process.

2.6 The required approval is in line with the requirements of the Council's pay policy statement.

Director of Children, Schools & Families

2.7 Merton's Director of Children, Schools & Families is leaving towards the end of the calendar year.

2.8 The post is a statutory role defined by Section 18 of the Children Act 2004, which requires every local authority responsible for children's services to appoint a Director of Children's Services (DCS). The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services to address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers.

2.9 The role is a challenging one requiring the post holder to have complex specialist skills and to be able to lead in an ever-changing environment such as local government. The current job description and person specification are attached at Appendix 1.

2.10 The current (2020) Merton director pay scale ranges from £108,564 to £125,829 per annum. The post holder is currently in receipt of a market supplement of £20,820 per annum, taking the total salary package to £129,384 to £146,649 per annum. The post was last recruited to in early 2018 and it is possible that these rates may no longer be sufficient to attract a suitably qualified candidate. Merton is ambitious for its children and schools and would want an experienced and exceptional candidate to take this critical role. It is therefore being recommended that the Chief Executive be given some flexibility as to the exact level of the market supplement to offer, having taken advice from the executive search agents appointed in accordance with paragraph 2.11 below and consulted the Chair of the Appointments Committee.

2.11 The recruitment campaign for the post of Director of Children, Schools & Families will be handled by executive search agents, who are yet to be appointed. The recruiters will be asked to provide evidence of their track record of successfully recruiting to senior Children's Services roles.

3. Alternative options

Assistant Director, Public Protection

3.1 To continue with the current interim arrangement.

Director of Children, Schools & Families

3.2 The Director of Children Schools & Families is a statutory officer and the Council has a duty to appoint to this post; therefore, there is no alternative option other than to recruit a replacement.

4. Consultation undertaken or proposed

Assistant Director, Public Protection

- 4.1 The appointment of the Assistant Director, Public Protection is an officer appointment.

Director of Children, Schools & Families

- 4.2 An appointments committee will be set up and there will be involvement from stakeholders in the process. The precise nature of this will be scoped further once the executive search agents have been appointed.

5. Timetable

Assistant Director, Public Protection

- 5.1 Recruitment to the post of Assistant Director, Public Protection will commence once approval to the salary package is received.

Director of Children, Schools & Families

- 5.2 If approval is given, then the process of selecting an executive search agent will be commenced. An interim arrangement may be considered.

6. Financial, Resource and Property Implications

Assistant Director, Public Protection

- 6.1 There is provision in the Environment and Regeneration's budget to recruit to the AD Public Protection role at the salary set out in this report.

Director of Children, Schools & Families

- 6.2 The 2020/21 salary budget allocation including on-costs for the Director of Children, Schools & Families post is £167,552 to £189,909. This may need to be reviewed depending on the decision made on the market supplement to be applied.
- 6.3 The executive search agent's fee is to be agreed, once the supplier has been decided. Additional costs will be for advertising, technical assessor fee and psychometric assessment costs, which will be dependent on the number of shortlisted candidates and assessments will be used. These costs will be paid from CSF budgets.

7. Legal and statutory implications

Assistant Director, Public Protection

- 7.1 The Council's pay policy statement requires that recruitment packages over £100k have approval of full council.

Director of Children, Schools & Families

- 7.2 This post is covered by the Employee Procedure Rules (part 4H) of the constitution. The Appointments Committee is responsible for appointing to the Director's post. If the changes proposed elsewhere in this agenda are approved, the Appointments Committee may elect to appoint a subcommittee for this purpose. An offer of appointment cannot be made by until the Appointments Committee (or subcommittee) has notified the Chief Executive of the name of the person to whom the Committee wishes to make an offer. The Chief Executive is then required to notify every member of the Cabinet. The appointment will only be made where no material or well-founded objections from the Cabinet have been received. This process should be built into in the recruitment planning timetable accordingly.
- 7.3 In all other respects, the process must comply with the Council's recruitment procedure.
- 7.4 As with all appointments of officers and staff, both appointments must be made on merit in accordance with section 7 of the Local Government and Housing Act 1989.

8. Human rights, equalities and community cohesion implications

- 8.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant.

It is unlawful to discriminate on grounds of gender, race, disability, age, religion and belief and sexual orientation. This refers to both direct and indirect discrimination. In effect the process has to be evaluated against three tests (1) intention (2) method (3) effect. Where there is an **intention** to discriminate on any of the prohibited grounds, this would be unlawful. Where there is no such intention but the recruitment **methods** used are discriminatory, then the outcome may be open to challenge. Where the intention and method are sound but the **effect** is shown to have disproportionate effect on a particular category of applicant then the outcome may be open to challenge.

9. Crime and Disorder Implications

- 9.1 None

10. Risk management and health and safety implications

- 10.1 The Appointments Committee will be invited to satisfy itself that the procedures operate as designed.

11. Appendices – the following documents are to be published with this report and form part of the report

- 11.1 Appendix 1 – Job Description and Person Specification

Appendix One – job description and person specification



LONDON BOROUGH OF MERTON

CHILDREN, SCHOOLS & FAMILIES DEPARTMENT

JOB DESCRIPTION

POST TITLE: Director of Children, Schools & Families

Grade: Directors

DIVISION/SECTION: Director's Office

Location: Civic Centre

Responsible to: Chief Executive

Responsible for: Children Social Care and Youth Inclusion; Education Access,

Opportunity & Inclusion; Early Years; Educational Services, Inspectors, Consultants & Governor Support; Online Research Services; Youth Offending Team; Youth Service and such other matters as may be added or changed from time to time.

Post number: M3007815

Date: November 2017

1. MAIN PURPOSE

- To be professionally responsible and accountable for the effectiveness, availability and value for money of the Council's statutory children's services and functions, specifically:
 - the Council's functions in its capacity as a local education authority under the Education Acts except certain functions relating to further education, higher education and adult education;
 - the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the Council's functions for children and young people leaving care;
 - any health related functions exercised by the Council on behalf of an NHS body under section 31 of the health Act 1999, insofar as they relate to children; and
 - the Council's functions as a children's services authority as set out in the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation.

- To ensure the development, implementation and evaluation of strategies for the provision of service and support that are responsive to client needs and are sufficiently dynamic to respond to changes in governmental direction and legislative change.

- To manage the provision of quality services that reflect the Authority's core values.

- To participate in the corporate management of the Authority.

2. MAIN DUTIES AND RESPONSIBILITIES

Generic

- To participate in the corporate management of the Authority and to contribute to the preparation of both short and medium term plans for the Authority in close co-operation with others as required.

- To evaluate the performance of the Department against stated objectives, developing performance measures and ensuring feedback to staff on the department's performance in meeting targets and objectives.
- To ensure the development of a departmental organisational structure that meets changing service needs. To promote sound departmental management practices and to be responsible for the effective recruitment and retention, motivation and development of staff within in effective industrial relations climate.
- To ensure the development of effective working relationships between the department and others across the Council. To lead, and participate actively in inter-departmental working groups, as required.

Specific

- To provide accurate and timely advice to the Council, its committees, elected members, the Chief Executive and Directors, on developments, trends in the areas of children, schools and families services and all matters relating to the strategic planning of those services and their resourcing.
- To develop, implement and evaluate policies and programmes for the provision of cost-effective, high-quality services, which accord with the Council's policy objectives and meet both statutory and local needs.
- To ensure that appropriate arrangements are in place to promote cooperation between the Council and its partner organisations to improve the well-being of children and young people in the Borough.
- To make arrangements to ensure that the Council's functions are discharged having regard to the need to safeguard children and young people and promote their welfare.
- To maintain and develop productive links with schools headteachers and governors based on mutual respect, shared goals and shared responsibility for the improvement of standards within the Borough.
- To ensure that the Authority's statutory responsibilities in regard to such things as the provision of the school places, access, monitoring of standards and statements of children with special needs are met.
- To consider the establishment of, maintain and operate a database of basic information on all children and young people in the Borough or if another body has the statutory duty to create a database or databases, to participate in its operation.
- To chair the local safeguarding children board (LSCB) to coordinate board members' activities for the purpose of safeguarding the welfare of children and young people in the Borough.

- To promote the educational achievement of looked after children.
- To provide the Secretary of State, if so directed, with information on individual children and young people.
- To coordinate statements of proposed action in the light of a Joint Area Review report and to exercise a key role in monitoring and evaluating implementation of the proposed action (subject to consultation and the laying of Regulations).
- To create and sustain a framework for the effective delivery of services to children and young people through leadership and by creating the conditions for others to perform and to innovate.
- To lead the cultural, workforce and other changes necessary to secure the transformation of children's services.
- To lead the transformation of children's services by creating a sharper focus on prevention and early intervention, while strengthening protection and improving achievement and attainment for all children and young people.
- To build and lead robust partnership arrangements under which public, private voluntary and community sectors work effectively together in relation to the planning, commissioning and provision of services which improve outcomes for children and young people and place them at the centre of service provision.
- To harness the distinctive contributions of children, young people and their families and carers in designing and delivering services and in evaluating how effectively services improve outcomes.
- To direct the operation of the Council's contracted out and commissioned children's services provision through the establishment of suitable arrangements for performance management arrangements across all children's services.
- To ensure that services are developed in close consultation with departments, the community, local action groups and external agencies and to promote public understanding of the Council's policies in order to facilitate their effective implementation and wider credibility. To develop effective relationships with the private and voluntary sectors and to encourage joint development initiatives wherever appropriate.
- To represent the Authority to external agencies such as Government Departments, Local Authority Associations, private developers, etc to develop effective relationships to advance the Council's objectives.
- To ensure the effective implementation of the Council's Equal Opportunity and Health and Safety policies in all aspects of the Department's work.

- To act as nominated deputy in the absence of the Chief Executive and to undertake any other duties as directed by the Chief Executive.
3. The duties, roles and responsibilities of the post and the methods of working may be amended from time to time by the Chief Executive.



LONDON BOROUGH OF MERTON

CHILDREN, SCHOOLS & FAMILIES DEPARTMENT

PERSON SPECIFICATION

POST TITLE: Director of Children, Schools & Families

Grade: Directors

Date: November 2017

1. Knowledge

- Educated to degree level and/or full relevant professional qualification, with evidence of continuous professional development.
- An understanding of the legislative framework governing the work of the department. Understanding of issues impacting on service delivery within an urban, multi cultural environment.
- A clear understanding of the workings of local government and the wider environment in which it operates.

2. Skills

- Ability to demonstrate a clear vision of the future for Local Authority children, schools and families services and the challenges facing those services in the short and medium term.
- Well developed analytical skills and proven ability of setting/achieving strategic objectives through performance management and of evaluating and achieving service quality.
- Ability to communicate effectively, negotiate and network through highly developed written, oral and presentation skills.
- Ability to develop innovative solutions whilst maintaining continuity of services through setting of clear goals/targets.
- Ability to lead, motivate and enthuse individuals and teams within a rapidly changing environment.
- Ability to work effectively within a political environment and to manage the member/officer interface.
- Commitment and ability to implement the Council's Equal Opportunities policies in employment and services.
- Commitment to working in partnership with a wide range of bodies both internally and externally.

3. Experience/Training

- Significant senior management experience in the provision of public sector children care and/or education services within a multi-racial urban community. Experience of participation at senior management level in the corporate affairs and decision making of a large complex organisation.
- A successful track record and background of consistent achievement at senior management level (second tier or above) in a local authority or other large complex organisation.
- Experience of managing, motivating and developing a multi-disciplinary workforce and harnessing the talents of employees at all levels.
- Experience of successfully leading management of change within a service setting.

- Experience of working in co-operation and partnership with a wide range of internal and external bodies including statutory agencies/organisations.
- Experience of having successfully managed substantial budgets through rigorous control procedures, as well as delivering budget options within a corporate framework.
- Experience of establishing and implementing business planning processes and performance management systems to ensure appropriate and cost effective service delivery.

4. Others

- Successful Enhanced Disclosure and Barring Service (DBS) check.