

Committee: Appointments Committee

Date: 8 February 2024

Wards: All

Subject: Appointment of Chief Officers

Lead Director: Polly Cziok, Executive Director of Innovation and Change

Lead member: Councillor Ross Garrod, Chair of the Appointments Committee

Contact officer: Tricia Palmer, HR Consultant

Recommendations:

- A. That the Appointments Committee recommends that Full Council agrees to the salary packages for the roles listed in section 2 below in accordance with the Council's Pay Policy Statement.
 - B. To note that the roles listed will be advertised using a phased approach, as indicated below, and that those listed in the second phase may be subject to changes to Job Description, in line with any service review.
 - C. That the Appointments Committee delegate to the Chief Executive, in consultation with the Chair of the Appointments Committee, the authority to amend Job Descriptions in the second phase, where those amendments will not lead to a change of salary range.
 - D. That the Appointments Committee agrees to commence recruitment to the post of Executive Director for Children, Lifelong Learning, and Families, further to the announcement of the retirement of the current postholder, and to establish a sub-committee for the purposes of agreeing a shortlist of candidates and to act as the interview panel for the final interview.
 - E. That the Appointments Committee approves the general recruitment process for the Executive Director for Children, Lifelong Learning, and Families post as outlined in paragraph 3 and delegates the implementation of that process to the Executive Director of Innovation and Change in consultation with the Chair of the Appointments Committee.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 At the last meeting of the Appointments Committee, revisions to senior salaries were agreed, alongside the redesignation of Assistant Directors as Directors, and the Committee gave its approval to commence recruitment to existing roles. These changes were agreed to enable the Council to compete more effectively in the London Local Government recruitment market, and to end reliance on expensive agency interim staff, the use of which was leading to significant overspends on senior staffing budgets.

- 1.2 Since that meeting, Executive Directors have terminated contracts of a number of high spend agency interims, in some cases moving them onto Fixed Term Contracts with the council, in other cases using existing staff to 'act up' into more senior roles. These measures, amongst others, mean that at the beginning of January 2024, Merton was employing the lowest number of agency staff for two years.
- 1.3 The next stage in moving towards permanent, cost-effective, and stable leadership in the Council is the commencement of permanent appointments into vacant roles.
- 1.4 Since the last meeting, the Executive Director for Children, Families, and Lifelong Learning, has announced her intention to retire at the end of May, so this paper seeks approval to commence recruitment to this role and establish a sub-committee to shortlist candidates, carry out final interviews and make the appointment. The proposed full process is outlined in the report below.
- 1.5 The other roles are not Member appointments, but the Chief Executive will be asking relevant Cabinet Leads to take an informal role in the recruitment process for the Director roles, and officers will ensure that those Members taking part receive training in Inclusive Recruitment. This is training that will be undertaken by the Chief Executive, Executive Directors, and offered to all members of the Appointments Committee.
- 1.6 Using a framework procurement agreement, the Council has appointed Starfish Search as its recruitment partner for these roles. They have a good track record of working with Merton, and an impressive knowledge of the London local government recruitment market, as well as a proven commitment to inclusive recruitment. The advertisements for these roles will be phased to ensure sufficient capacity for effective search and selection and prioritised in order of urgency of appointment.
- 1.7 The first phase will comprise of recruitment to the roles of Executive Director for Children, Lifelong Learning, and Families, Director of Public Realm, Director of People and Culture Change (formerly titled Head of HR and OD), and Head of Housing Development. Simultaneous recruitment will also be undertaken for a Head of Communications and Engagement, and a Head of Sustainable Transport, though those roles do not reach the £100k threshold for Member authorisation.
- 1.8 The second phase will cover recruitment to vacant Director roles in Children's and Adults Social Care, as well the Director of Strategy, Policy, and Transformation.
- 1.9 Job Descriptions are included as Appendices to this paper. All those for the first phase of recruitment are finalised but the Chief Executive may wish to make amendments to those in the second phase, and seeks delegated authority to do so, in consultation with the Chair of the Committee, where those amendments will not lead to a change in salary range. Any changes that resulted in a change of salary range will be brought back to this committee for authorisation.

2 ROLES FOR PERMANENT RECRUITMENT

Executive Director – Children, Lifelong Learning, and Families

To agree to a salary range of £134,690 - £154,539 for the post of Executive Director of Children, Lifelong Learning, and Families.

Director – Public Realm

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Public Realm (Grade MG5).

Director – People and Culture Change

To agree to a salary range of £108,790 - £116, 319 for the post of Director of People and Culture Change (Grade MG5).

Director – Policy, Strategy & Innovation

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Strategy, Policy, and Transformation (Grade MG5).

Director – Strategy Commissioning and Partnerships (CLLF)

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Partnerships and Strategy (Grade MG5).

Director – Children’s Social Care and Youth Inclusion

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Children’s Social Care (Grade MG5).

Director – Adult Social Care Operations

To agree to a salary range of £108,790 - £116, 319 for the post of Director of Adult Social Care Operations (Grade MG5).

Director - Director of Integrated Care, Commissioning & Assurance

To agree to a salary range of £108,790 - £116, 319 for the Director of Integration and Commissioning (Grade MG5).

Head of Housing Development

To agree to a salary range of £85,200 - £92,943 for the post of Head of Housing Development (Grade MG3). The salary for this post does not breach the £100k threshold for Member approval, but the competitive nature of the housebuilding and development market means that the Council may have to deploy a market supplement payment to successfully recruit. In that instance the total annual salary package (ie salary range and market supplement) will not exceed £120,000.

3 RECRUITMENT PROCESS FOR EXECUTIVE DIRECTOR – CHILDREN, LIFELONG LEARNING, AND FAMILIES

- 3.1 The full recruitment process will involve agreement of a longlist of candidates, who will then be put through a preliminary interview with a technical assessor. The technical assessors will be agreed by the Chief Executive, in consultation

with the Chair of the Appointments Committee, after recommendations by the recruitment partner.

- 3.2 The recruitment process will then continue with agreement of a shortlist of candidates, who will then be put any recommended psychometric profiling or testing in accord with standard practice for senior appointments. Shortlisted candidates will then be invited to the interview day, which will consist of a stakeholder panel interview, a staff panel interview, 1-1 meeting with the Chief Executive, an informal lunch with key colleagues and ending with the final panel interview with the Appointments Committee who will make the final appointment decision.
- 3.3 The stakeholder panel will include representatives from a range of key partners, which will be decided by the Chief Executive in consultation with the Chair of the Appointments Panel. The staff panel will be drawn from across the CLLF Directorate and include members of the staff equalities networks.

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1 Salaries for these roles are contained within existing budgets for 2024/25. Permanent recruitment will allow the Council to maintain stable leadership, and to avoid ongoing reliance on agency staff and short-term management arrangements.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1 Section 38 (1) of the Localism Act 2011 requires the Council to prepare a Pay Policy Statement for each financial year. It must be approved by a resolution of the Council before it comes into force, it must be prepared and approved before 31 March, and it must be published in such manner as the Council thinks fit (which must include publication on the website). The most recent Pay Policy was approved by Full Council on 1 March 2023 and amended by Full Council on 17 May 2023.
- 5.2 The Statement must include the Authority's policies relating to: (a) the level and elements of remuneration for each chief officer, (b) remuneration of chief officers on recruitment, (c) increases and additions to remuneration for each chief officer, (d) the use of performance-related pay for chief officers, (e) the use of bonuses for chief officers, (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and (g) the publication of and access to information relating to remuneration of chief officers.
- 5.3 Section 40 of the Localism Act includes provision for the Secretary of State to issue guidance on the content and application of pay policy statements. Councils must have regard to this guidance in the exercise of their functions under the pay policy provisions. Initial Guidance under section 40 has been published and this was supplemented by further Guidance in February 2013. The Guidance is statutory guidance, and although it is not law, it is not mere advice, and the

Council must consider it carefully and have cogent reasons if it wishes to depart from it. Failure to do so may result in any decision being challenged.

- 5.4 The Guidance advises that Full Council should be given the opportunity to vote before salary packages of £100,000 or more are offered in respect of a new appointment. This is consistent with the Council's pay policy statement which states that the approval of Full Council is required prior to any offer of employment being made where the proposed salary exceeds £100,000.
- 5.5 Section 41 of the Localism Act 2011 says that in making a decision which relates to the remuneration of or other terms and conditions applying to a chief officer, the Council must comply with its pay policy statement for the financial year. The recommendations in this report comply with the pay policy statement approved by Full Council on 1 March 2023 and amended by Full Council on 17 May 2023.
- 5.6 Under the provisions of the Employee Procedure Rules (Part 4H) in the Council's Constitution, the appointment of the Executive Director – Children, Lifelong Learning, and Families is the responsibility of the Appointments Committee or Sub-Committee. That Committee or Sub-Committee must include at least one member of the Cabinet. An offer of employment for this post shall only be made where no material or well-founded objection from any member of the Cabinet has been received. The process to be followed is set out at paragraph 6 of the Employee Procedure Rules. In all other respects, the recruitment process must comply with the Council's recruitment procedures.
- 5.7 Appointments to the other posts referred to in this report are the responsibility of the Head of Paid Service (not Members). However, appointments to the deputy chief officer posts (ie the Director roles) are subject to the procedure set out in paragraph 6 of the Employment Procedure Rules, even though the appointments are being made by officers.

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1 The contents of this report are designed to ensure that the Council's processes are human rights and equalities compliant, in particular in relation to compliance with the Public Sector Equality Duty. Grading of posts is based on the principles of equal value as determined by use of objective job evaluation schemes. Recruitment will be undertaken in accordance with the Council's recruitment procedures.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. None

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

- Job Descriptions relating to the posts outlined in the paper.

9 BACKGROUND PAPERS

9.1. None

10 CONTACT

- Report author: Polly Cziok
- Tel: 020 8545 3285
- email: polly.cziok@merton.gov.uk
- Meeting arrangements - Democratic Services:
- email: democratic.services@merton.gov.uk
- Tel: 020 8545 3357
- All press contacts - Merton's Press office:
- email: press@merton.gov.uk
- Tel: 020 8545 3181
- London Borough of Merton:
- Address: Civic Centre, London Road, Morden, SM4 5DX
- Tel: 020 8274 4901

11 USEFUL LINKS

- Merton Council's Web site: <http://www.merton.gov.uk>
- Readers should note the terms of the legal information (disclaimer) regarding information on
- Merton Council's and third party linked websites.
- <http://www.merton.gov.uk/legal.htm>
- This disclaimer also applies to any links provided here