

WEST NORTHAMPTONSHIRE COUNCIL

2 December 2021

Cllr Fiona Baker, Children, Families and Education

Report Title Director Children’s Services recruitment and interim arrangements.

Report Author Anna Earnshaw, Chief Executive

Contributors/Checkers/Approvers

Monitoring Officer	Catherine Whitehead	24/11/2021
Chief Finance Officer	Martin Henry	24/11/2021
Communications Lead/Head of Communications	Rebecca Peck, Assistant Chief Executive	24/11/2021

List of Appendices

None

1. Purpose of Report

- 1.1. To seek members’ approval to change the structure to include a single DCS for West Northamptonshire and note that the selection and appointment process for the Statutory Director of Children’s Services (DCS) role will be undertaken by the Senior Appointments Committee with the Chief Executive and to note interim arrangements for this role.

2. Executive Summary

- 2.1 This report asks Full Council to approve the recommendation for West Northamptonshire Council to undertake the selection and appointment process for the Statutory DCS through the Senior

Appointments Committee with the Chief Executive and note that the Head of Paid Service will seek to appoint an interim solution.

3. Recommendations

3.1 It is recommended that the Council:

- a) Agree that the senior leadership structure of the Council is amended to include a Director of Children's Services (DCS) role for West Northamptonshire Council with effect from February 2022
- b) Delegates authority to the Executive Director – Finance in consultation with the Finance Portfolio holder to release one off funds to meet any costs over and above the provision included in the base budget to meet the costs associated with the proposal.
- c) Notes the intention to include a growth item within the draft budget proposals for 2022-23 to meet the ongoing increased costs associated with the proposals.
- d) Notes that in accordance with the Staff Employment Procedure Rules the Senior Appointments Committee and the Chief Executive will take all necessary actions to complete the permanent recruitment process.
- e) Notes that the Head of Paid Service will make an interim appointment in accordance with the Staff Employment Procedure Rules

4. Reason for Recommendations

4.1 The reason for the recommendations is to secure the specialist capacity and capability of an interim Director of Children's Services (DCS) to meet the statutory duties of West Northamptonshire Council and to develop a permanent solution to ensure the delivery of high-quality children's and education services.

5. Report Background

5.1 The role of the Director of Children's Services (DCS) is a critical one for the Council. The DCS is the senior statutory officer responsible for ensuring our children's and education services address the local needs of all children and young people, including their families and carers and providing high quality, value for money services in a joined-up way. The Director of Children's services is also responsible for the contract management and delivery of service outcomes of the Children's Trust.

5.2 Presently, the Director Children's services (DCS) is a shared role between North Northamptonshire Council and West Northamptonshire Council; hosted by North Northamptonshire Council.

- 5.3 The appointment of the current postholder, Cathi Hadley, was endorsed by each of the Shadow Authorities on the 15th and 18th of September 2020.
- 5.4 Cathi Hadley has now resigned from her position, as she has been successful in securing a new role with another Council and will be taking up her new appointment in February 2022.
- 5.5 The resignation of the current postholder has provided an opportunity to review the existing 'shared' statutory role between North and West Northamptonshire.
- 5.6 Appointment of an interim Director of Children's Services will ensure service continuity whilst permanent recruitment activity takes place.

6. Issues and Choices

- 6.1 As part of the discussions and review, two alternatives have been considered:
- i. Maintaining the single shared Director of Children's Services (DCS)
 - ii. Creating separate Director of Children's Services (DCS roles in each Council)

Maintaining the single shared DCS

- 6.2 Both Councils want to develop strategies that focus on initiatives and early interventions that target the local needs of the children and young people and their families and carers who live there; and address any inequalities that may exist in service provision.
- 6.3 Whilst sharing a DCS provides joined up thinking and alignment across the county, there is a risk that there is less focus on unique characteristics and needs of each unitary boundary. Sharing the DCS also reduces the capacity to work closely with other statutory Council officers in each council.

Creating separate DCS role in each Council

- 6.4 Creating separate DCS roles in each Council is considered to be the preferred option due to the reasons outlined above. It should however be noted that an additional cost will result from this option.
- 6.5 The current permanent senior and statutory role appointments were made by the West Northamptonshire Shadow Authority and the recruitment and the selection process was delegated to the Shadow Senior Appointments Committee. It is therefore proposed that a similar approach is adopted through delegation of these tasks to the Employment Committee and the Chief Executive.
- 6.6 As the current postholder is due to leave in February 2022 and to ensure that the Council is still able to comply with its statutory responsibilities between their leaving date and the date of the permanent appointment to the role; it is proposed that an interim appointment is made. The Chief Executive has delegated authority to determine options on making an appointment on an interim basis in consultation with the Leader of the Council, Executive Member and

Opposition Leader. She also has authority to make an appointment for a period of up to six months subject to legislative requirements to notify the Executive of the appointment.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 The main implication for the recommendation is that each Council will need to fund the cost of a Director Children's Services (DCS) from current resources.
- 7.1.2 The current Shared Director of Children's Services role has an agreed salary band of £145,000 - £155,000, exclusive of on-costs (pension contributions and national insurance).
- 7.1.3 This will be an additional burden on the Council of approximately £100,000 which will be included in the draft budget proposals for 2022-23.
- 7.1.4 Any arrangements implemented which cost more than the amounts included in the base budget will need to be funded using one off funds to be released at the discretion of the Executive Director - Finance in consultation with the Portfolio holder for Finance.

7.2 Legal

- 7.2.1 Section 18 of the Children Act 2004 requires every upper tier local authority to appoint a Director of Children's Services. The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services.
- 7.2.2 The DCS is a politically restricted statutory chief officer post. This means the post holder is prevented from taking part in certain political activities. The DCS should report directly to the Chief Executive (Head of Paid Service), who in turn is accountable to the Council for the performance of its chief officers.
- 7.2.3 The Department for Education's Statutory Guidance on the roles and responsibilities of the Director Children's Services and the Lead Member for Children's Services strongly encourages the involvement of children and young people in the appointment of the DCS.
- 7.2.4 The authority's power to appoint staff and to determine their terms and conditions of employment is under Section 112 of the Local Government Act 1972.
- 7.2.5 There are mandatory Standing Orders governing the recruitment, appointment and dismissal of senior management staff in a local authority, as set out in the Council's Officer Employment Procedure Rules in the Council Constitution. These derive from the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 7.2.6 The Senior Appointments Committee has delegated powers to appoint Directors and will therefore undertake the appointment. In accordance with the Council's pay policy a package of

£100k will require approval by Council and therefore when the appointment is made the final package will be referred to council given the salary level for the role.

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report other than not having a statutory DCS in post.

7.4 Consultation

7.4.1 The options have been discussed with the Leader, Cabinet Member for Children's Services and North Northamptonshire Council who are all in agreement of sole DCS roles for each council.

7.4.2 This has also been discussed Children's Trust, Children's Commissioner and key liaison officers with the Department of Education who are also supportive of the way forward.

7.5 Consideration by Overview and Scrutiny

7.5.1 No scrutiny implications arising from this report.

7.6 Climate Impact

7.6.1 No Climate implications arising from this report.

7.7 Community Impact

7.7.1 The proposal is likely to result in greater focus on the needs of Children and young people in West Northamptonshire. This will be realised by having more dedicated resource and capability working alongside the other services and directors to deliver the Council's Corporate priorities; set out in our Corporate Plan.

7.8 Communications

7.8.1 A statement has been issued by communications on the future arrangements for the leadership of Northamptonshire children's services.

8. Background Papers

None