



Committee report

Committee	APPOINTMENTS AND EMPLOYMENT COMMITTEE
Date	29 AUGUST 2023
Title	APPOINTMENT OF DIRECTOR OF CHILDREN'S SERVICES
Report of	LEADER OF THE COUNCIL AND CABINET MEMBER FOR STRATEGIC OVERSIGHT AND EXTERNAL PARTNERSHIPS

EXECUTIVE SUMMARY

1. Committee members are invited to afford authorisation to recruit for a permanent appointment to the role of director of children's services in accordance with the job description and person specification provided for this role and associated statutory duties required of this role.
2. Committee members are also requested to afford authorisation to identify potential interim arrangements to safeguard against any gaps arising between the expiration of the strategic partnership with Hampshire County Council and conclusion of the recruitment campaign.
3. The post is currently a shared role between Hampshire County Council and the Isle of Wight Council under the strategic partnership for the leadership and management of children's services on the Isle of Wight.

RECOMMENDATION

4. Option 1: That the committee authorises the commencement of the recruitment process for the appointment of a permanent director of children's services in accordance with the job description and person specification for this role.
5. Option 2: That the committee delegates authority to the chief executive to identify interim arrangements if deemed necessary and to ensure that the statutory requirement to have a designated director of children's services to discharge the duties outlined above can be fulfilled until such time as a permanent appointment can be made.

BACKGROUND

6. The Isle of Wight Council entered a strategic partnership with Hampshire County Council for the leadership and management of Children's services in June 2013. In accordance with the terms of the partnership agreement the latest review of the current arrangements was instigated. In the context of the improvements secured during the tenure of the partnership as recognised by Ofsted and improved outcomes for children and young people on the Isle of Wight together with the ever-increasing financial challenges in the current economic climate, demand on local services faced by all local authorities, Hampshire County Council has indicated that it is the right time for the strategic partnership to end and requested that negotiations commence on termination of the partnership.
7. Cabinet and Full Council are due to consider and determine a preferred option for the longer-term leadership and management arrangements for children's services on the Isle of Wight at their scheduled meetings in September 2023. Due consideration will need to be given by them as to the most economic, efficient, and effective model that will serve the needs of children and young people on the Isle of Wight. Whichever option is determined as the preferred way forward, pending that decision, it will be necessary to commence arrangements to seek the appointment of a director of children's services at the earliest opportunity, especially in recognition that a successful recruitment campaign at such a senior level can take a minimum of six months to conclude.
8. Section 18 of the Children Act 2004 requires every top tier local authority to appoint a director of children's services. The role has statutory duties assigned to it, which in line with statutory guidance issued by the Secretary of State that we are required to have due regard to are:
 - a. A professional responsibility for the leadership, strategy and effectiveness of local authority children's services.
 - b. A responsibility for securing the provision of services that address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and in discharging those responsibilities working closely with other local partners to improve the outcomes and well-being of children and young people.
 - c. A responsibility for the performance of local authority functions relating to the education and social care of children and young people.
 - d. Ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself.
 - e. Having due regard to the General Principles of the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services.
9. A draft outline job description and person specification for the role of director of children's services is attached at Appendix 1, together with a proposed outline timetable for the conducting of a recruitment campaign at Appendix 2.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

10. The council's corporate plan sets out a clear ambition for children's services on the Isle of Wight to continue to remain as a high performing as judged through inspection by Ofsted as the regulating body in this field. This ambition means that we must fulfil our statutory duties, keep at pace with our transforming children's social care programme, remain focussed on children with special needs and realise aspirations to help schools to become at least 'good' in Ofsted ratings. The position of director of children's services is pivotal to affording the best possible strategic leadership and management that will lead to the successful delivery of that ambition.
11. The council also has a statutory duty under the Children Act 2006 to appoint a director of children's services and must therefore make provision for a designated offer to fulfil the duties and responsibilities required of them.

CONSULTATION

12. The leader and deputy leader of the council have been involved in discussions on the importance of seeking authorisation to recruit in advance of any formal decision being made on the future arrangements for the leadership and management of children's services on the Isle of Wight. This is to ensure that there is an appointment made either on an interim or permanent basis for when the strategic partnership agreement with Hampshire County Council ceases. Both the leader and deputy leader of the council are in support of the proposed course of action.

FINANCIAL / BUDGET IMPLICATIONS

13. The pay grade for the role of director of children's services is set out in the council's pay policy, approved by full Council on an annual basis. The Isle of Wight Council has an agreed local pay framework and all jobs contained within it have been subject to a formal job evaluation process. The grade assigned to this role is Grade 20, excluding on costs of employers' national insurance and employer pension contributions.
14. Budget provision is currently provided for the strategic partnership with Hampshire County Council which upon determination of the longer-term leadership and management arrangements will be allocated to the new arrangements, including the post of director of children's services if that is the outcome of the decision by Cabinet/Full Council. The grade, including on-costs will be factored into the costs associated with each of the options to be considered.
15. It is the intention that a recruitment campaign be undertaken in-house, using human resource team and the communications and engagement team expertise rather than engaging an external recruitment agency to conduct this on our behalf. To outsource such activity would be likely to incur a minimum of a 15% commission of the annual salary for the post if a successful appointment were to be secured. Even if no appointment were to be made, this would incur a standing charge. The internal teams have a strong track record of managing such commissions and will result in no direct cost associated with it other than officer time. There will however be the associated costs for advertising in national press and professional journals which is anticipated to be in the region of £10,000.

LEGAL IMPLICATIONS

16. As already set out in this report, under Section 18 of the Children Act 2004 requires every top tier local authority to appoint a director of children's services. There is an obligation on the Isle of Wight Council therefore to make sure that there are arrangements in place for such an appointment to have been made either on an interim or permanent basis in readiness for the ending of the strategic partnership with Hampshire County Council.
17. The director of children's services is a politically restricted post. This means the postholder is prevented from taking part in certain political activities.
18. The council's constitution delegates authority to the Appointments and Employment Committee under its terms of reference to make the necessary arrangements for recruitment of a director as a statutory chief officer role. All appointments must be made on merit; be subject to a job summary and appropriate advertisement. No offer of appointment can be made until the proposed appointment has been notified to the Cabinet and that either within the period specified in the notification no objection has been made or that the committee is satisfied that any objection made is not material or well-founded.

EQUALITY AND DIVERSITY

19. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. The council's aim is for a workforce that is truly representative of all sections of society and Island's communities. The recruitment and appointment process will be undertaken in accordance with this aim and the council's equality and diversity policies and procedures.

OPTIONS

21. There are three options for the committee to consider:
22. **Option 1:** That the committee authorises the commencement of the recruitment process for the appointment of a permanent director of children's services in accordance with the job description and person specification for this role.
23. **Option 2:** That the committee delegates authority to the chief executive to identify interim arrangements if deemed necessary and to ensure that the statutory requirement to have a designated director of children's services to discharge the duties outlined above can be fulfilled until such time as a permanent appointment can be made.
24. **Option 3:** That the committee resolve to defer the appointment of a director of children's services until such time as a formal decision has been taken by

Cabinet/full Council on the future arrangements for the leadership and management of the Isle of Wight children's services functions.

RISK MANAGEMENT

25. While there is uncertainty as to the direction in which the Isle of Wight Council will take as the future arrangements for the leadership and management of children's services at the point of which the Appointment and Employment Committee will meet, any delay in commencing a recruitment process for a director of children's services risks the council not being able to fulfil its statutory duties. It is incumbent on the local authority to ensure that there are adequate arrangements in place either on an interim or permanent basis by the point of the strategic partnership coming to an end. On average a recruitment campaign for such a senior position can take a minimum of six-months to conclude. Should Cabinet/Full Council determine an alternative option to a return to in-house provision, any recruitment campaign or interim search can be halted.
26. Irrespective of a decision having been made by Cabinet/full Council as to the future arrangements for children's services, there is a risk that a recruitment campaign might be unsuccessful. These are highly competitive roles in terms of salary commensurate with the extensive statutory responsibilities for which the postholder will assume. The council's current salary range determined for this post in accordance with its agreed pay framework may not be attractive to potential candidates. The market for potential candidates is also relatively small and as with many other local government professional roles, recruitment and retention is a real challenge. It will be necessary to undertake an initial recruitment campaign with an advertised salary that is in accordance with the council's current agreed pay framework, but should that prove unsuccessful, then a market supplement may also need to be considered. By the committee affording approval to also explore the interim market will also provide opportunity to establish a fall-back position should it be necessary.

EVALUATION

27. The most important consideration for the committee is its statutory obligation to appoint a director of children's services for when the strategic partnership with Hampshire County Council for the provision of leadership and management of Children's Services on the Isle of Wight has come to an end. It is imperative therefore that arrangements are put in place now to commence a recruitment process to secure the appointment of a director of children's services at the earliest opportunity or to have interim arrangements in place. Should Cabinet/full Council determine an alternative model of service delivery, the process can be halted at any point.
28. The recruitment market for a director of children's services is likely to be challenging but with the progress made thus far and the continued trajectory for improvement, there is reason to be optimistic that a successful appointment could be secured. Using the internal human resource team who are experienced in conducting recruitment campaigns will also reduce the costs associated with it. Should a recruitment campaign be unsuccessful, the committee can review the terms of the recruitment offer. Exploring the interim market at the same time will also provide assurance that appropriate arrangements can be put in place pending a permanent appointment.

APPENDICES ATTACHED

29. Appendix 1: Draft outline job description and person specification for the role of director of children's services.
30. Appendix 2: Outline timetable for conducting a recruitment campaign for a director of children's services.

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