



# Committee report

Committee	<b>APPOINTMENTS AND EMPLOYMENT COMMITTEE</b>
Date	<b>10 AUGUST 2022</b>
Title	<b>APPOINTMENT OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE</b>
Report of	<b>LEADER OF THE COUNCIL AND STRATEGIC OVERSIGHT</b>

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## EXECUTIVE SUMMARY

1. Members are invited to provide authorisation to recruit for a permanent appointment to the role of Chief Executive and Head of Paid Service in accordance with the job description and person specification provided for the role.
2. The post has been filled on an interim basis since April 2022 following the departure of the substantive postholder. Given the continued challenges for local government, particularly in respect of responding to the legacy impacts of the COVID-19 pandemic; the levelling up agenda and continued economic uncertainty which are central to securing the longer-term sustainability of local public services alongside the development of our own organisational transformation; commercialisation agenda; a housing crisis for the Island and continued pressures on our adult and children's social care services, it is imperative that there is stable strategic leadership in place. To confirm a permanent appointment to the role will also allow the postholder time to give effect to the medium / long term planning for the council necessary to respond to these challenges and successful delivery of the council's corporate plan.

## RECOMMENDATION

3. That the committee authorise proceeding to start the recruitment process for the appointment of a permanent chief executive and head of paid service in accordance with the job description and person specification as appended to this report.

## BACKGROUND

4. The position of Head of Paid Service is a governance statutory chief officer, and the functional requirements of the role are set out in Section 4 of the Local Government and Housing Act 1989 (shown in Appendix 1 as a summary). It is the duty of every local authority to designate one of their officers as their head of paid service. It is

usual given the nature of the statutory duties set out in the legislation for this designation to be given to the chief executive. The current constitution also makes for this provision.

5. The previous holder of the role of chief executive and head of paid service left the council at the end of March 2022 to take up a new role within another local authority and the position has been filled on an interim basis by the assistant chief executive and director of strategy since that time.
6. As the nation continues in its recovery from the COVID-19 pandemic it and the council must continue to assess and respond to its legacy and the impacts that the pandemic has had on the Island's communities and council services. There are many other challenges facing the council that require a medium to long term approach so that the council's response is proportionate, structured and sustainable, not least the continued economic uncertainty and future sustainability of public services whilst facing increased pressures on adult and children's social care and wider organisational transformation to meet these challenges.
7. The council's corporate plan sets out clear priorities for delivery which will address key issues facing the Island and what the Island's communities have told us are most important to them. The housing crisis is central to those priorities and requires collective and collegiate working to deliver real solutions. Stakeholders will only want to invest their limited time and capacity in building these relationships if they are aware there will be a degree of longevity to them and that there is someone who can provide stable and clear strategic leadership in post on a permanent basis.
8. The job description and person specification for the role of chief executive and head of paid service is attached at Appendix 2 for reference purposes. These may be subject to change pending the outcome of the organisational transformation programme which is underway. Members of the committee are asked to consider the appendices and provide authorisation for the recruitment process to begin for a permanent appointment to be made to the post.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

9. The position of chief executive and head of paid service is the central role in affording the council with the strategic leadership co-ordination, vision, motivation and direction of staffing resources that underpin the successful delivery of the council's corporate plan and its key priorities. The council has a legal duty to designate an officer as their head of paid service and it is usual for this to be the chief executive. To move to a permanent appointment will afford confidence that there are adequate arrangements in place to meet the council's corporate governance obligations which sit alongside the safe, lawful and effective delivery of the council's corporate plan.

## CONSULTATION

10. The leader and deputy leader of the council support the proposed action to start the recruitment process for a permanent appointment to the position of chief executive and head of paid service.

## FINANCIAL / BUDGET IMPLICATIONS

11. The pay grade for this position was established when the council completed its major job evaluation exercise in 2015 and put in place its local pay framework as set out in the council's pay policy. The grade is therefore established relative to all the other rates of pay across the council.
12. The role has been established at a spot salary which currently stands at £138,038 (excluding on costs of employers' national insurance and employer pension contribution) per annum which was determined through market testing. The nationally negotiated pay inflation awards determined by the National Joint Council for Local Government Services is applied in the same way as all other council staff. There is budgetary provision for this role within the council's base budget.

## LEGAL IMPLICATIONS

13. The Appointments and Employment Committee is responsible for making a recommendation as to the appointment of a governance statutory chief officer. Any such recommendation for appointment must be:
  - (a) made on merit
  - (b) subject to a job summary
  - (c) subject to appropriate advertisement where the appointment is not an internal process
14. An offer of appointment to a candidate cannot be made until cabinet has been notified of the proposed appointment and that within a specified period cabinet, through the leader, has made no material or well-founded objection to the proposed appointment. The final decision as to whether to agree the offer of appointment will be subject to a decision of Full Council, including to consider if any cabinet objection is material or well founded. As such if authority is given to proceed to start the recruitment process, the Appointments and Employment Committee will be required to make recommendation as to the appointment of a particular candidate to Full Council at a further meeting of the committee before formal appointment can be confirmed.

## EQUALITY AND DIVERSITY

15. 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.
16. The council's, "aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best" (Equality, diversity and inclusion statement and guidance, 2021). The recruitment and appointment process will be undertaken in accordance with this aim and the council's published guidance.

## OPTIONS

17. There are considered to be three options for the committee to consider:

**Option 1:** That the committee authorise proceeding to start the recruitment process for the appointment of a chief executive and head of paid service in accordance with the job description and person specification in appendix 2 to this report.

**Option 2:** That the committee authorise proceeding to start the recruitment process for the appointment of a permanent chief executive but with committee agreed variations to the job description and person specification in appendix 2 to this report.

**Option 3:** That the committee resolve to defer the appointment of a permanent chief executive and head of paid service to reconsider other available options for the council to meet its statutory duties delivered through this role.

## RISK MANAGEMENT

18. Any delays in recruiting and appointing to the post of chief executive and head of paid service on a permanent basis risks the council's effective medium to longer term responses to the challenges highlighted in this report. The job descriptions and person specification proposed in appendix 2 are considered appropriate to securing the most appropriate person to provide the strategic leadership of staffing resources to respond to these challenges and in securing the successful delivery of the council's corporate plan and its key priorities.
19. Consideration of options for the council to meet its statutory responsibilities other than through a directly employed chief executive and head of paid service, is possible but the committee would want to be assured of the benefits of such an approach before considering those options.

## EVALUATION

20. The appointment of a permanent chief executive and head of paid service will afford the council with stability in the strategic staffing leadership necessary to secure the successful delivery of the council's corporate plan and its key priorities. It will also afford the opportunity for the necessary medium to longer term planning to be undertaken in responding to both the national and local challenges within local government and in the delivery of sustainable local public services.
21. Someone who is employed on a permanent basis will afford the necessary development and maintenance of strong partnerships and working relationships across all sectors that also underpins the action needed to respond to the challenges that the Island faces.
22. It remains that there is a legal duty placed upon the local authority to designate one of its officers as the head of paid service to fulfil the statutory governance requirements of managing a local authority and by appointing to a permanent position provides stability and assurance that these duties and responsibilities are being taken seriously by external auditing bodies, our Island communities and council staff. Should option 3 be the preferred course of action, it will be a requirement of Full Council to review and agree to extend the current interim arrangements beyond the agreed period of twelve months.

## APPENDICES ATTACHED

23. Appendix 1: Statutory responsibilities of local authorities in relation to the function of the head of paid services as set out in Section 4 of the Local Government and Housing Act 1989.

Appendix 2: Job Description and Person Specification for the role of chief executive and head of paid service.

## BACKGROUND PAPERS

24. [Full Council Report: Interim Arrangements Following the Impending Departure of the Chief Executive](#)
25. [Full Council: Minutes 23rd February 2022](#)

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