

READING BOROUGH COUNCIL
DRAFT REPORT BY CHIEF EXECUTIVE

TO:	PERSONNEL COMMITTEE		
DATE:	15 MARCH 2018	AGENDA ITEM:	8(A)
TITLE:	CHILDREN'S COMPANY - APPOINTMENT OF CHIEF EXECUTIVE & DIRECTOR OF CHILDREN'S SERVICES		
LEAD COUNCILLOR:	JO LOVELOCK	PORTFOLIO:	LEADERSHIP
SERVICE:	ALL	WARDS:	BOROUGH-WIDE
LEAD OFFICER:	ZOE HANIM	TEL:	9372173 / 72173
JOB TITLE:	HEAD OF CUSTOMER CARE & TRANSFORMATION	E-MAIL:	Zoe.hanim@reading.gov.uk

The Chair of the Committee is of the view that consideration of the following item is a matter of urgency as defined in section 100B (4)(b) of the Local Government Act 1972 (as amended) and should be considered at this meeting, because the arrangements to be followed for the appointment of the Chief Executive of the Children's Company have only recently been finalised with the DfE and Children's Commissioner. A decision cannot wait until the next scheduled meeting because the appointment panel is due to take place on 17 and 20 April 2018.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To seek approval to delegate the process to appoint to the new post of Chief Executive of the Children's Company, incorporating the local authority's Director of Children's Services, to a panel consisting of the Children's Commissioner, the Chief Executive of the Council, the newly appointed Chair of the Children's Company, if available, and the Leader of the Council (or nominee).
- 1.2 Members of the Committee are advised that the interview panel to appoint the Chair of the Children's Company as mentioned above will consist of the Commissioner, a DfE representative, the Chief Executive of the Council and the Leader of the Council (or nominee). This Panel is due to meet on 22 March 2018.
- 1.3 The Personnel Committee is also asked to delegate authority to the Chief Executive to establish suitably constituted panels to make future decisions relating to appointments that the local authority may need to make, prior to those posts transferring to the Children's Company.

2. RECOMMENDED ACTION:

- 2.1 That the composition of the interview panel to appoint the Chair of the Children's Company, consisting of the Commissioner, a DfE representative, the Chief Executive of the Council and the Leader of the Council (or nominee), be noted.
- 2.2 That a Panel consisting of the Children's Commissioner, the Chief Executive of the Council, the Chair of the Children's Company, if available, and the Leader of the Council (or nominee), be authorised to appoint and confirm the terms of the offer of an appointment to the preferred candidate to the post of Chief Executive of the Children's Company and to act as the local authority's Director of Children's Services.
- 2.3 That the Chief Executive be given delegated authority to establish suitably constituted panels, in consultation with the DfE, Children's Commissioner and Chair of the Personnel Committee, as necessary, to make decisions relating to appointments that the local authority may need to make, prior to the posts being transferred to the Children's Company.

3. POLICY CONTEXT

- 3.1 In accordance with the power of the Council to appoint staff, and to determine the terms and conditions on which they hold office (Section 112 of the Local Government Act 1972), the powers and duties of the Personnel Committee include:

"The Personnel Committee has delegated powers to appoint Corporate Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989."

- 3.2 The Officer Employment Procedure Rules referred to above include the following provisions:

"3. Appointment of Chief Officers - Process

- 3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:
 - (1) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee authorised to make the appointment;
 - (2) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;
 - (3) a job description and person specification will be produced, and sent to all applicants for the job, specifying:

- (a) the duties of the post
 - (b) the qualifications and qualities being sought by the Council
- (4) the Personnel Committee will either:
- (a) interview all qualified applicants for the post, or
 - (b) select a short-list of qualified applicants in accordance with the Council's recruitment and selection policy and procedures.
- (5) if no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above."

4. THE PROPOSAL

- 4.1 The Chief Executive of the Children's Company will be an employee of Reading Borough Council and be designated as the Director of Children's Services. The successful candidate will be seconded to the newly formed Children's Company for the majority of their time. The interview panel is to select the successful candidate and is due to meet on 17 and 20 April 2018.
- 4.2 The Chair of the Children's Company will be appointed by a panel consisting of the Commissioner, a DfE representative, the Chief Executive of the Council and the Leader of the Council (or nominee). This Panel to select the Chair of the Company is due to meet on 22 March 2018.
- 4.3 The interview panel for the Chair must include the Commissioner and a representative of the DfE in accordance with the Statutory Direction to the Council from the Secretary of State in relation to Children's services under Section 497A(4B) of the Education Act 1996. The new children's company will be wholly owned by the Council and therefore both the Chief Executive and the leader of the Council will have an interest in the key post of chair of the company.
- 4.4 The interview panel for the Chief Executive as above requires representation from the DfE, in this case the Commissioner. This post will be an employee of the Council and therefore both the Chief Executive and the Leader of the Council (or nominee) as chair of the Personnel Committee would be on the panel. The newly appointed chair of the company if available would have a key interest in this appointment as it will be seconded into the company for 0.8fte of the time with the remainder of the time spent working within the Council.
- 4.5 Other appointments for the Children's Company will need to be made in due course, therefore, the Personnel Committee is asked to delegate authority to the Chief Executive to establish suitably comprised panels, in consultation with the DfE, Children's Commissioner and Chair of the Personnel Committee, as necessary to make future decisions relating to appointments that the local authority may need to make, prior to those posts transferring to the Children's Company.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The appointment of the Chief Executive of the Children's Company and Director of Children's Services will have responsibilities directly related to delivering the Council's strategic aims. The successful candidate will have a key strategic role to deliver performance improvement, financial management, and partnership working, as well as a keen eye on front-line practice. As the role will also be the Director of Children's Services within the Council, the successful candidate must demonstrate a firm grasp of how to take Reading's Children and Young People's services to excellent, while identifying emerging opportunities to grow the organisation.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".
- 6.2 This report is concerned with the appointment of the Chief Executive of the Children's Company who will also act as the local authority's Director of Children's Services, in accordance with statutory requirements. There is no requirement for external consultation.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 This report is concerned with the appointment of a Chief Executive to the Children's Company and Director of Children's Services. This does not have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. As a result, there is no requirement for an equality impact assessment to be undertaken.

8. LEGAL IMPLICATIONS

- 8.1 The local authority is required to have a Director of Children's Services to meet the statutory requirements for every top tier local authority to appoint an officer to this role, in accordance with Section 18 of the Children Act 2004.
- 8.2 The appointment process for the Director of Children's Services (DCS) and Chief Executive of the Children's Company has been agreed with the DfE and the Children's Commissioner.

8.3 The Personnel Committee has delegated powers to appoint Corporate Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

8.4 Therefore, in order to conduct the appointment process as agreed with the DfE and Children's Commissioner, it is necessary seek the Personnel Committee's authority to delegate the appointment function to the panel as described above, bearing in mind Article 8 of the Council's Constitution "Regulatory and Other Committees".

9. FINANCIAL IMPLICATIONS

9.1 The appointment will be made in accordance with the Council's Pay Policy 2018/19 with a salary of around £150k. Budgetary provision has been made within the 2018/19 budget and MTFS.

10. BACKGROUND PAPERS

10.1 Constitution of the Council

10.2 Delegations Register