

# **CHIEF EXECUTIVE RECRUITMENT COMMITTEE**

## **8 Contingency Arrangements**

**02 December 2021**

### **Report of the Head of HR**

#### **PURPOSE OF REPORT**

To propose and agree the contingency arrangements for the transitional period between Chief Executives

**This report is to be considered in public**

#### **RECOMMENDATIONS**

**(1) That the Chief Executive Recruitment Committee:**

- **Consider the options presented;**
- **Consider whether any other options may be viable and remove any options considered to be unacceptable;**
- **Rank the identified options in preference order;**
- **Delegate their implementation to the Chair of the CERC in conjunction with the Head of HR**

#### **1.0 Introduction**

- 1.1 The selection of a Chief Executive is an important strategic undertaking. The Chief Executive performs the role of Head of Paid Service for the Authority and we are legally and Constitutionally required to have a Head of Paid Service identified at all times. (This includes any absence, not just when there is a vacancy).
- 1.2 The current situation is that our Head Of Paid Service will leave the Authority on 31<sup>st</sup> March and will have leave to take in advance of that date.
- 1.3 The recruitment approach discussed in Agenda Item 7 and the notice periods of likely candidates mean that there is the potential for the successfully appointed candidate to not be available by 1<sup>st</sup> April, leaving a gap.
- 1.4 It is prudent to put in place Contingency arrangements for this, so they can be enacted should a gap be likely.
- 1.5 A range of Contingencies are proposed below in no particular order. Members are requested to consider these, suggest any further ones that the Committee can agree on, remove any unacceptable ones, and place them in rank order. The Chair of the Committee and Head of HR will then implement the best available contingency.

Rank Order	Contingency	Advantages	Disadvantages
	Appoint an external Interim	Provides additional capacity. Introduces new perspectives. Clear distinction between Head of Paid Service There is a known pool of Interim Chief Execs so likely to be straightforward to identify an available candidate (with sufficient notice).	This process would need to start in parallel with recruitment.  A further set of selection processes will be required. Costs of interims tend to be considerably higher than permanent employees and are paid on a day rate likely to be around double the salary.
	Invite expressions of interest from Directors	Familiarity with Authority and context. Least cost option Would provide development opportunities for Director and for Heads of Service to backfill director. Could be net cheaper than the Chief Executive salary, due to backfill cascade of existing employees so could mitigate the cost impact of the recruitment process.	Would be some costs associated with bridging the gap. Would not increase the capacity available to run the authority. We would need to run a transparent selection process. Would not bring a new or different strategic perspective.
	Approach neighbouring authorities to find out if they would be willing to take on interim shared leadership	Experienced person familiar with context. Relatively cheaper than an external interim	There are potential constitutional issues to be navigated for potential conflicts of interest. Costs would be incurred in terms of share of salary. Would only get a part time resource.
	Other Option 1		
	Other Option 2		

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

**LEGAL IMPLICATIONS**

HR and legal advice will be available throughout the recruitment process to ensure that legal requirements relating to employment are complied with.

**FINANCIAL IMPLICATIONS**

The revenue budget includes £30,000 in the current financial year for the recruitment of a new Chief Executive. This amount is funded from the Corporate Priorities Reserve slipped from 2020/21 as the current arrangements were extended.

Whilst the final costs will depend on choices made by the Committee in consideration of Item 7 of this Agenda, it is expected that this amount is sufficient to cover the direct recruitment costs.

With regard to contingency arrangements, these costs will vary depending on which are deployed. For example, an acting up arrangement will result in a net saving as the existing salary would likely displace the cost. An interim is likely to have a higher day rate than our existing salary provision, which could potentially lead to an overspend.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

The recruitment process will be handled in line with Council Policy and Procedures, and all legislative requirements. The HR Matters are also set out in the body of the report.

**Information Services; Property; Open Spaces:** None.

**SECTION 151 OFFICER'S COMMENTS**

As this is a Statutory Officer post it is essential that provision is made to ensure continuation of those duties. Members will need to ensure that the interim arrangements being proposed will ensure CEO responsibilities continue to be undertaken in accordance with statutory requirements.

**MONITORING OFFICER'S COMMENTS**

Section 4 of the Local Government and Housing Act 1989 places a duty on each Council to designate one of their officers as the Head of Paid Service and to provide that officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow his/her duties under this section to be performed. Section 7(2) of the Local Government and Housing Act 1989 requires that the council ensure that the appointment of the Chief Executive/Head of Paid Service is made on merit.

One of the options is to share a Chief Executive with another authority on an interim basis. In accordance with Section 113 of the Local Government Act 1972 a local authority can enter

into an agreement with another local authority to place its officers at the disposal of the other authority. Officers subject to sharing arrangements are able to take binding decisions on behalf of the body at whose disposal they are placed, although they remain an employee of their original authority for employment and superannuation purposes.

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 require that the appointment of the Head of Paid Service shall not be a function of the Executive and therefore this is a Full Council function.

Full Council has delegated any interim arrangements for the Chief Executive that may be necessary to the Chief Executive Recruitment Committee.

**BACKGROUND PAPERS**

Chief Executive sample job descriptions pack  
Briefing note on Chief Executive Remuneration.

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