

AGENDA SUPPLEMENT (1)

Meeting: Officer Appointments Committee
Place: Leader's Office, County Hall, Trowbridge
Date: Tuesday 25 June 2019
Time: 8.30 am

The Agenda for the above meeting was published on Monday 17 June 2019. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Appointment of Director Finance & Procurement** *(Pages 3 - 14)*

A report by the Executive Directors is attached.

9 **Appointment of Director Finance & Procurement** *(Pages 15 - 20)*

Two confidential appendices are attached.

DATE OF PUBLICATION: 19 June 2019

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APPOINTMENT OF DIRECTOR, FINANCE & PROCUREMENT

Purpose of the Report

1. The purpose of this report is to present the Officer Appointments Committee with a candidate recommended for appointment to Director - Finance and Procurement (Section 151 officer).

Background

2. The post of director, finance & procurement has been vacant since 22 April 2018. The post is a statutory position of section 151 officer for the council and is therefore a critical role with regards to the organisation's finances. The role is a member of the council's corporate leadership team and the postholder provides statutory advice and guidance on all financial matters to the executive directors, and to the councils Cabinet and elected members. The role description for this post can be seen in Appendix 1.
3. Market conditions for this role are difficult, with several other local authorities failing to recruit to this role, or similar roles. The council engaged the services of two executive search and selection agencies in 2018 to find a candidate suitable for appointment to this role but in both cases, this was not possible. As a result, the council has employed interim directors in this role, with the current one being in place since November 2018.
4. Proposals for a further search and selection exercise for this role were sought from several executive search agencies again recently. The specification included applying a market supplement on the salary for the role but despite this some of the proposals received indicated that the market for this role is unchanged and that a further attempt to search for suitable candidates may not result in an appointment.
5. One of the agencies who responded is a specialist in finance recruitment and have told us that there is still a shortage of candidates for this role and similar roles as several established finance directors/section 151 officers are approaching retirement, and that there is a lack of talent ready to step up into the role. In London, the Home Counties and in the South West there are around 14 councils with either interims or people acting up into this role. They also indicated that a higher salary would be required to attract the calibre of candidate that we are looking for.
6. There is significant evidence of recruitment issues being experienced by councils with Somerset, North Somerset, Kent, Islington, Enfield and Bexley all having all failed to recruit in the last 18 months.
7. CIPFA are taking some steps to develop deputy directors to address this national shortage but this is at its very early stages.

Main Considerations

8. The current interim director has been in post since November 2018 following a competitive process of interviewing candidates to find a suitable interim director. The CV of the interim director is in Appendix 2, which is part II.

9. Since joining the council in November 2018, the interim director has taken steps to develop new approaches in financial planning, outcomes business planning and is currently reviewing the service delivery models in the finance & procurement directorate to ensure the services are better aligned with the council's priorities and the new approach to financial planning. Some of this work however is still at its early stages.
10. Discussions have now taken place with the interim director about their employment status moving from an interim arrangement, where employment is via a third-party agency and based on a daily rate, to one where they would be directly employed for a fixed term and paid a salary. In these discussions they indicated that they would accept a change in their employment status.
11. Following these discussions, it is recommended that the Officer Appointments Committee approve the employment of this interim director on a 2-year fixed term contract, to include the application of special provisions relating to salary and expenses. The agency contract for this interim director ends on 31 October 2019 so the fixed term contract would commence on 1 November 2019. Details about the candidate and the special provisions that will apply are outlined in Appendix 3, which is part II.
12. Employment for a fixed term of 2 years would provide stability to the services in the finance and procurement directorate while the work that has started to change financial planning processes, and changes to service delivery models are implemented and embed. In addition, market conditions may change during the fixed term period so steps to recruit to the role in 2021 may result in applications from suitable candidates.

Overview and Scrutiny Engagement

13. No engagement is required as the recommendations in this report are a staffing matter.

Safeguarding Considerations

14. There are no safeguarding considerations required in relation to an appointment to the role of director finance & procurement/section 151 officer.

Public Health Implications

15. There are no public health implications because of the recommendations in this report.

Environmental and Climate Change Considerations

16. There are no environmental or climate change impacts because of the recommendations in this report.

Equalities Impact of the Proposal

17. There is no equalities impact because of the recommendations in this report. The council has in place robust policies and procedures to support appointments to roles in the council, all of which have been subject to an equalities impact assessment.

Risk Assessment

18. If appointment into this role is not approved the current interim director will leave the council on 31 October as they have indicated that they would not remain on an interim basis beyond that date.

19. Steps to recruit to the post permanently could be taken now but feedback from agencies has indicated the market conditions for similar roles means that an appointment would be unlikely and, as a result, the council would need to take steps to recruit another interim while the market conditions improve. This would be a third interim appointment and could cause disruption and instability within the directorate and senior leadership team.

Financial Implications

20. The cost of a further executive search and selection to recruit permanently to this role would be approx. £25k. This cost is delayed until November 2021 if we appoint the current interim director on a 2-year fixed term contract.
21. The other financial implications are outlined in Appendix 3, which is part II.

Legal Implications

22. The appointments policy & procedure for chief and senior officers outlines the process for appointing staff to posts where the role is already being performed by an employee on a temporary basis. This process has been followed.
23. The special provisions in the employment contract that will apply have been discussed with the council's monitoring officer who has advised that the council's pay policy statement has been approved by full council and through this the council has expressly delegated the function of appointment to executive director and director posts to the officer appointments committee. The pay policy statement goes on to explain how chief and senior jobs are evaluated including those paid over £100,000 per year and makes provision for the payment of a market supplement in exceptional cases where this is supported by evidence.
24. This advice, and the councils pay policy statement is in line with the guidance issued under section 40 of the Localism Act 2011.

Options Considered

25. An option to carry out a third executive search and selection process was considered and proposals from were sought, see paragraphs 4 & 5. It was due to the feedback from these agencies that the market conditions for similar roles would make an appointment unlikely, that the options recommended in this report were explored. The cost of an executive search and selection exercise is approx. £25K.
26. Another option considered was to recruit a third interim director in this role to start in November 2019. However, the nature of interim managers is that they can leave at short notice with a months' notice and this could cause further disruption to the directorate, senior leadership team and to service provision. In addition, the cost of an interim director is greater than the cost of the recommendations being made.

Conclusion

27. The other options considered could result in additional cost, a failure to recruit permanently and potential disruption to the business of the council if a third interim director is recruited, or the role remains vacant particularly given the critical nature of the role.
28. The recommendation to appoint the current interim director on a 2-year fixed term contract would provide stability and consistency for the directorate, senior leadership team and service delivery, and is the most cost-effective option.

29. The appointments policy & procedure for chief and senior officers provides a clear and agreed process for appointing to posts where the role is already filled on a temporary basis, and this process has been followed.

Proposals

30. It is proposed that the Officer Appointments Committee approve:

- a. The appointment to Director - Finance and Procurement (Section 151 officer) on a 2-year fixed term contract to commence on 1 November 2019. The contract will terminate on 31 October 2021.
- b. The special provisions that will apply to the employment contract in respect of salary and expenses, as outlined in Appendix 3.

31. This appointment will be subject to consultation with the leader and cabinet members in accordance with paragraph 5(2) of the Officer Employment Procedure Rules.

Reason for the Proposals

32. The reasons for these proposals are outlined in paragraphs 2 – 12.

Alistair Cunningham
Executive Director

Terence Herbert
Executive Director

Dr Carlton Brand
Executive Director

Report Author: Joanne Pitt, Director HR&OD

Appendix 1 – Role description for Director, Finance & Procurement

Appendix 2 – Appointment to Director, Finance & Procurement *Part II*

Appendix 3 – CV for the candidate *Part II*

ROLE PROFILE

Job family	Leadership	Role profile number and grade	LSL2-1248
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Role purpose:

Roles at this level are responsible for the corporate management of a range of major council services or a significant statutory function (with delegated powers), providing strategic policy direction and leadership, operational management and financial control.
Will support the Cabinet and Corporate Leadership Team, to achieve the aims and desired outcomes of the Council.
Will report directly to a Corporate Director.

Factor	Relevant Job Information
Indicative qualifications	<p>Degree in a subject relevant to the role or able to demonstrate equivalent knowledge, skills and experience.</p> <p>Relevant professional qualification at a post graduate level</p> <p>Licence / certificate / qualification where required for statutory role</p> <p>Management qualification or equivalent experience</p> <p>Project management qualification or able to demonstrate equivalent knowledge, skills and experience</p>
Knowledge, skills and experience	<p>Roles at this level require self sufficiency in a technical or specialised field gained through wide experience of concepts/principles, wide exposure to complex practices and authoritative command of operations and functions. This includes:</p> <ul style="list-style-type: none"> • Expert functional knowledge and/or providing significant advice with impact across the council. • A broad knowledge and understanding of the services impacted by the service/function and across the council • Proven extensive senior management experience of managing a range of services and functions at a corporate strategic level • Substantial experience in both strategic and operational management across a range of services and functions within a large and complex organization • Substantial understanding of the council's people strategy to ensure effective workforce development in order to achieve service and council wide objectives • Experience of working in a political environment and managing political challenges to the direction of the function or services. • Substantial understanding of local government and the local, regional and national context • Substantial understanding and experience of delivering services that impact on the local community and partner organisations, and managing challenges to the direction of these services • Ability to deliver and support successful cultural and organisational change programmes with impact across the council • Effectively handling challenging & complex situations which have wide ranging impact and reputational risk for the Council • Leadership of high profile innovative projects which have wide ranging impact and reputational risk for the Council • Significant budget management experience across a range of services and functions.
Accountability for Budget	<p>Roles at this level have a major impact/effect on the overall results of the organisation and Wiltshire communities, encompassing a substantial portion of the organisations' income, expenditure or resources.</p> <p>The nature of the impact of the role is contributory with significant impact and influence in advising or facilitating services for use by senior management in taking decisions across the council including impacting upon Wiltshire communities and partner organisations.</p> <p>Leads a senior management team across a range of service areas and functions, each responsible for significant resources and operational/strategic delivery.</p>

	<p>Delegated budget lead to monitor and control the budget of significant council service(s), a range of major functions or a statutory function.</p> <p>Will have influence on significant expenditure across council, partner services and Wiltshire communities</p> <p>Impact on whole council revenue budget circa of £850 million</p> <p>Impact on partner organisations budgets and the economy of Wiltshire</p> <p>County population is around 470K</p>
Problem solving	<p>Roles at this level will be responsible for setting major functional policies and/or determining the direction and overall shape of a major function or range of services. Through the senior management team will influence the development of major policies that impact across the whole of the council, and on Wiltshire communities and partner organisations.</p> <p>Directs/sets the direction through senior management the implementation of required corporate change in the service/functional area, across the council, Wiltshire communities and/or partner organisations</p> <p>Directs/sets the direction of the development and implementation of service/function strategies and make a significant contribution to the development of corporate strategies and business plans</p> <p>Sets the direction for the design, development and implementation of complex solutions within the identified area which serve the council's vision, goals and core values, involving the application of significant council resources across the council, Wiltshire communities and/or partner services</p> <p>Sets new standards for innovation in the commissioning and delivery of services</p> <p>Maintain the integrity of the service/function and culture of continuous improvement, ensuring increased functional capacity across the council and partner organisations.</p> <p>Pro-actively identifying corporate, and service risks, and ensure action is taken to mitigate these</p>
Nature of contacts	<p>Directly or through nominated senior management team, direct and oversee all activities of the services and functions, and more widely across the council, Wiltshire communities and partner organisations.</p> <p>Influence, advise and make recommendations to members, corporate directors, directors, heads of service and equivalent levels in external bodies, private sector and partner organisations regarding complex situations that have high risk and reputational impact across the council.</p> <p>Work with other public bodies and other relevant partners/organisations to support Wiltshire's communities, through services and activities that address local concerns and that foster social capital and 'resilient communities'</p> <p>To represent the council and co-ordinate policy and practice on a local, regional and national scale</p> <p>Manage relationships with key stakeholders and delivery partners including consultation on complex political / strategic / commercial issues that have high risk and reputational impact across the council, Wiltshire communities and partners</p> <p>Provide service/functional direction, expertise, advice and support often in response to complex issues across the council, Wiltshire communities and partners including external stakeholders and suppliers etc.</p> <p>Sponsor and lead working groups and project teams, likely to be cross service/council/partners or external at a regional or national level.</p> <p>Engage with stakeholders to seek and explore innovative opportunities for collaborative working within and across function, services, Wiltshire communities and/or with partners</p> <p>Establish and lead partnership working with internal / external services / organisations and liaise with national bodies.</p> <p>Managing complex situations which can be contentious and have the potential to cause significant reputational issues for the council.</p>
Additional duties	<p>Postholders are required (subject to the provisions of the Working Time Regulations) to work the hours that are necessary to do the job, including evening and weekend work and attendance at meetings out of office hours. This includes being on standby or call out to respond to emergency situations.</p>
Behaviours framework	<p>The postholder will have the opportunity in this role to demonstrate all the aspirational behaviours in the framework. Please refer to Behaviours Framework for a full list of the behaviours required.</p>
Skill profile	<p>To be demonstrating level 3 "expert" across all three skill areas of communication & customer service; performance through people; and personal effectiveness.</p>
Health & Safety	<p>To be responsible for managing services in line with the council's health, safety and welfare policies</p>
Equalities	<p>Wiltshire council is committed to ensuring employees do not discriminate against colleagues, suppliers or third parties at work or harass or victimise others. Incidents of discrimination at work are taken seriously and employees are encouraged to report incidents via their manager or anonymously via the whistleblowing policy.</p>
Authority to work in the UK	<p>All employees must have the legal authority to work in the UK. Non-EU nationals must have the relevant approval to work in the UK from the UK Border Agency. Copies of all documents provided as proof of identity are retained for our records, by providing these proofs the council will treat this as consent.</p>

The above profile is intended to describe the general nature and level of work performed by employees in this role and does not detail a list of all duties and responsibilities. The Council reserves the right to amend this role profile as necessary

ROLE DESCRIPTION

Role description:	Director - Finance and Procurement (Section 151)
Role profile family:	Leadership
Number of posts:	1
Role profile number and grade:	LSL2-1248
Service/Team:	Finance and Procurement
Reports to:	Executive Director

Job Context
<p>Directors are responsible for the corporate management of a range of major council services or a statutory function, providing strategic policy direction and leadership, operational management and financial control. They support the cabinet and corporate leadership team, to achieve the aims and desired outcomes of the council, Wiltshire community and partners.</p>

Job Purpose
<p>As a director you are expected to:</p> <ul style="list-style-type: none"> • Work jointly with executive directors and other directors to achieve the council's priorities and goals; • Develop effective partnership and collaborative working in order to achieve the council's vision; • Manage service performance through the accountability of your senior management team, allocation of resources, management of risks, and strong, inspirational leadership; • Develop an innovative and commercial approach across the council and within your specific service areas; • Lead continuous improvement and transformation of your services using systems thinking or other evidence based principles around customer/client purpose; • Take joint responsibility as part of the leadership team for delivering the whole council budget and savings, taking a corporate and joined up approach alongside robust and reliable service financial management. <p>Key duties include:</p> <ul style="list-style-type: none"> • Develop relationships both internally and externally to maximise opportunities for collaboration and integration • Ensure service planning is shaped by, and takes into account the council's key strategic plans

- Provide advice and recommendations to the wider corporate leadership team and elected Members on significant policy decisions or complex and contentious matters within your service areas and areas of expertise
- Contribute to the corporate management of the strategic risks facing the council;
- Represent the council at regional/national level within your services areas and areas of expertise;
- Promote and exemplify robust decision making which is open, inclusive, flexible and responsive;
- Grow an outstanding workforce with a can-do attitude, supported through clear career paths and development linked with robust talent and performance management;
- Embed a culture that places customers first, adopts a can-do approach and focuses on good outcomes in our communities;
- Drive the council's staff engagement culture and demonstrate the behaviours expected across the organisation;
- Ensure a whole council approach is taken to corporate parenting.

Service area responsibilities

- Provide strategic leadership and direction for finance, pensions and procurement services and manage service performance through the accountability of your senior management team, allocation of resources, management of risks, and strong, inspirational leadership.
- Ensure that your teams and resources are focused and aligned to deliver improved services in Wiltshire and support the council in managing financial resources effectively
- Lead continuous improvement and transformation of your services using systems thinking or other evidence based principles around customer/client purpose.
- Lead the development and delivery of the Medium Term Financial Strategy and associated plans and provide professional advice and guidance to the leader of the council, portfolio holder, cabinet and the extended senior leadership team (executive directors and directors) in implementing the strategy and plans
- Maximise the impact of the council's revenue and capital investment to ensure effective delivery of priorities
- Provide strategic leadership and direction across the council and influence policy and decision making in relation to finance to ensure delivery of the best possible services for the people of Wiltshire and support to the council
- Provide clear financial advice which balances competing priorities in a joined up and sensitive manner across all council areas
- Produce the annual statement of accounts and liaise with the external auditors
- Act as the pension fund lead adviser.
- Lead treasury management services/advice.
- Develop financial awareness and capability across the council
- Ensure sound debt management and credit control activities in accordance with policy

Set the strategic procurement vision in consultation with key stakeholders, and delivering it through effective policies, processes and procedures

As statutory 151 officer and member of the corporate leadership team (CLT) you are expected to:

- Provide the corporate direction and strategic leadership to ensure effective financial management and assurance of the council and to ensure our investment in services, projects and transformation delivers the councils vision and business plan priorities.
- Work with the executive directors, monitoring officer and head of paid service to make a major contribution to the corporate leadership of the council, influencing decision-making and providing professional leadership on matters relating to financial management and planning and organisational performance.
- Discharge the relevant statutory duties and responsibilities of the role, as the statutory Section 151 Officer responsible for financial affairs under Section 151 of the Local Government Act 1972 for the council

Dimensions				
Type of budget	Direct	Indirect	Responsibility	Amount / Cost
Operational budgets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Service direct budget	£131m approx.
Council Revenue budget	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contributory impact on spend	£830m
Staffing			Employees directly managed will be senior management teams each responsible for significant resources and operational/strategic service delivery	
<p>Please describe any national performance standards or statutory/legal responsibilities applicable to this role:</p> <ul style="list-style-type: none"> • Section 151 Officer , as defined by the council's constitution to act as the statutory officer responsible for financial affairs under Section 151 of the Local Government Act 1972 for Wiltshire Council and as set out in the Constitution. 				

Person Specification
<p>In addition to the qualifications, knowledge, and skills required for roles at this level, this role requires:</p> <ul style="list-style-type: none"> • Postgraduate degree in a finance related discipline or equivalent relevant experience; • A qualified accountant in compliance with Section 113 Local Government and Finance Act 1988, e.g. CIPFA, CIMA, ACCA; • Evidence of post qualification personal and professional continued development; • Substantial experience of strategic financial management in a large and diverse organisation.

Supporting information

Driving classification	
<p>Occasional driver A valid UK driving licence is not required. Occasionally may need to travel to different locations in order to undertake the duties of the role.</p>	<input type="checkbox"/>
<p>Regular Driver Must hold a valid UK driving licence (with no more than 6 penalty points) and have access to either their own car or a pool car in order to undertake the duties of the role</p> <p>Or</p> <p>other forms of transport are available and viable to perform the role.</p>	<input checked="" type="checkbox"/>
<p>Required Driver Must hold a valid UK driving licence (with no more than 3 penalty points) and will drive a vehicle supplied by the Council in order to undertake the duties of the role.</p>	<input type="checkbox"/>
Employees should refer to the Corporate Driving at Work policy for further information.	

Political restriction
This role is politically restricted. The job holder is not permitted to undertake political activity involving standing for election as a member of parliament, as an MEP, as a member of the Scottish or Welsh Parliaments. The job holder is furthermore not permitted to canvas on behalf of a political party or a person who is already, or who seeks to be, a candidate. In addition, they may not speak to the public or publish any written or artistic work that could give the impression they are advocating support for a political party

Professional fees and related occupational costs	
As part of this role, or to support professional development, the job holder is required to be a member of a professional body or association. The job holder is responsible for payment of all professional fees, memberships, registrations or subscriptions and no reimbursement or contribution towards these will be provided by the council	<input checked="" type="checkbox"/>
This role does not have any professional or occupational membership requirements	<input type="checkbox"/>

Clearances – Disclosure & Barring Service (DBS)	
This role will be engaged in 'regulated activity' providing specific services relating to children or vulnerable adults and is subject to a Disclosure from the Disclosure and Barring Service.	<input type="checkbox"/>
This role is exempt from the Rehabilitation of Offenders Act 1974 and will require an Enhanced DBS check before appointment can be confirmed.	<input type="checkbox"/>
This role is exempt from the Rehabilitation of Offenders Act 1974 and will require a Standard DBS check	<input type="checkbox"/>
This role is not subject to a Disclosure from the Disclosure and Barring Service in order to undertake the duties of the role.	<input checked="" type="checkbox"/>

Clearances – Baseline Personnel Security Standard (BPSS)
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This role requires access to the UK government Public Services Network (PSN) and is subject to a BPSS check	<input type="checkbox"/>
This role is not subject to a BPSS check	<input checked="" type="checkbox"/>

Clearances – Non-Police Personnel Vetting (NPPV)	
This role requires working in partnership with the police, and/or having access to Police related systems and is subject to a NPPV check at level 2* . (*regular access to police premises and police information, intelligence and financial or operational assets. Occasional access to those deemed 'secret').	<input type="checkbox"/>
This role requires working in partnership with the police, and/or having access to Police related systems and is subject to a NPPV check at level 3* (*regular unsupervised access to police premises and/or access to police information and/or information systems and/or hard copy material either on police premises or by remote access up to "secret" level. A level 3 includes a check on you, your spouse/partner, co-residents, and all family members).	<input type="checkbox"/>
This role is not subject to a NPPV check	<input checked="" type="checkbox"/>

Safeguarding	
For all roles within Children's Services. Wiltshire Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and all staff are expected to share this commitment. You will be expected to report any concerns relating to the safeguarding of children, young people or vulnerable adults in accordance with agreed procedures. If your own conduct in relation to the safeguarding of children, young people or vulnerable adults gives cause for concern, the council's agreed child protection/vulnerable adults protection procedures will be followed.	<input type="checkbox"/>
For all roles within Adult Social Services. Wiltshire Council is committed to safeguarding and promoting the welfare of vulnerable adults and all staff working for the council are expected to share a commitment to this. You will be expected to report any concerns relating to the possible abuse of a vulnerable adult in accordance with the agreed interagency safeguarding adults' procedures. If your own conduct in relation to the safeguarding of vulnerable adults gives cause for concern, the council's agreed interagency safeguarding adults' procedures will be followed, alongside implementation of the council's disciplinary procedure. The job holder is accountable for their safeguarding of vulnerable adult responsibilities to their line manager.	<input type="checkbox"/>
For all other roles within the council. Wiltshire Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and all staff are expected to share this commitment. You will be expected to report any concerns relating to the safeguarding of children, young people or vulnerable adults in accordance with agreed procedures. If your own conduct in relation to the safeguarding of children, young people or vulnerable adults gives cause for concern, the council's agreed child protection/vulnerable adults protection procedures will be followed.	<input checked="" type="checkbox"/>

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