



Epping Forest District Council

COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

Thursday, 19th January, 2012

Place: Cabinet Room, Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer I. Willett (Office of the Chief Executive)
E mail: democraticservices@eppingforestdc.gov.uk Tel
01992 564243

Members:

Councillors J M Whitehouse (Chairman), Mrs C Pond (Vice-Chairman), Mrs A Grigg,
Mrs M McEwen, S Murray, J Philip and Mrs L Wagland

-
1. **APOLOGIES FOR ABSENCE**
 2. **DECLARATIONS OF INTEREST**
(Chief Executive) To declare interests in any item on the agenda.
 3. **SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**
(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.
 4. **TERMS OF REFERENCE (Pages 5 - 8)**

To note the following terms of reference for this Committee as agreed by the Council at its meeting on 30.7.10 (Minute 61) and 26.7.11 (Minute 54):

“(a) to consider, in consultation with the Council’s Recruitment Consultants, the person specification, job description and associated matters relating to the recruitment and appointment of the Council’s Chief Executive (Head of Paid Service);

(b) to consider arrangements of advertising the vacancy;

(c) to consider the arrangements for interviewing, assessment and appointment to the Chief Executive position;

(d) to report back to full Council on progress concerning the achieving the deadline of 31.8.11*;

(e) to report back subsequently to full Council with a recommendation on the person to be appointed to the position of Chief Executive;

(f) to consider alternative means by which the duties of the Chief Executive may be conducted; and

(g) to consider the remuneration appropriate to the role recommended by the Appointment Committee.”

***NOTE This date reflects an alteration agreed at the July 2011 Council meeting**

Copies of decisions at the last Council meeting are also attached as Appendices 1 and 2.

5. MINUTES OF THE LAST MEETING - 18.7.11 (Pages 9 - 12)

To confirm the minutes of the last meeting of the Committee (attached).

6. ERNST & YOUNG DRAFT PROPOSALS - STATEMENT OF PRINCIPLES (Pages 13 - 14)

To consider the attached letter of Ernst & Young regarding the position of Chief Executive.

7. SENIOR RECRUITMENT TASK AND FINISH SCRUTINY PANEL - DRAFT REPORT (Pages 15 - 26)

To consider the attached report. This is submitted for information purposes.

8. CHIEF EXECUTIVE POST - RECRUITMENT DOCUMENTS AND REMUNERATION (Pages 27 - 34)

To consider the attached report on the job description, person specification and other recruitment documentation for the Chief Executive post. The report also covers the issue of remuneration.

9. CONSULTANCY ADVICE (Pages 35 - 38)

To consider the attached report on the procurement of consultancy advice.

10. DATE OF NEXT AND FUTURE MEETINGS

To be determined.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<i>Agenda Item No</i>	<i>Subject</i>	<i>Exempt Information Paragraph Number</i>
<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

APPENDIX 1

54. REPORT ON THE COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE

RESOLVED:

(1) That the contract of the Acting Chief Executive be extended by a period of 12 months from the end of his current contract extension (ie until 31 August 2012);

(2) That the terms and conditions of this contract remain as previously agreed by the Council subject to the condition regarding an earlier date for termination being amended to read:

“12... subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive or the Council decides to pursue alternative arrangements for a Chief Executive”;

(3) That the following work now being undertaken by the Committee be noted:

(a) researching the procurement of advisers to assist the Committee in any recruitment process;

(b) further review of the job description, person specification, remuneration and recruitment process;

(c) further review of joint management and any alternative arrangements;

(d) a provisional timetable for achieving the appointment of a Chief Executive by 31 August 2012;

(4) That the Council notes that no further resources will be committed to any of the steps set out in (3) above, pending consideration by the Council of the Ernst and Young report on value for money and service efficiencies, which is provisionally due to be submitted to the Council meeting on 1 November 2011; and

(5) That paragraph (d) of the Committee's terms of reference be amended to refer to the new deadline of 31 August 2012.”

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APPENDIX 2

59. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

RESOLVED:

(1) That, pursuant to recommendation (2) of the Audit and Governance Committee report, the Council:

(a) notes the receipt from Mr Richard Bint of PKF Partners, the Council's external auditors, of a report dated 26 May 2011 concerning his review of the granting of a fixed term employment contract to the Chief Executive in 2007;

(b) resolves to adopt the report and respond to its findings as set out below:

(i) on point 1 (Appropriate Legal Advice) of "lessons to be learned" on page 5 of Mr Bint's report:

(aa) that appropriate legal advice will be taken where necessary in respect of any such contract of employment from a lawyer familiar with the relevant legislation;

(bb) that, in the event that such specialist knowledge is not available within the Council, appropriate external legal advice will be obtained by the Solicitor to the Council and obtained by means of the Council's agreed procurement procedures;

(ii) on point 2 (Staff Awareness of Fixed Term Contracts) – that written advice be issued to all relevant staff on the principal features of such contracts as a matter of priority;

(iii) on point 3 (Pre-Contract Scrutiny) – that arrangements be made to ensure that, in respect of all contracts of equivalent or greater significance, Council 26 July 2011 any unusual features identified be tested and their legal, financial and human resources implications clarified;

(iv) on point 4 (Reporting to Councillors) – that all reports dealing with contracts of the kind referred to above be checked so that any unusual features are identified and their

purpose and legal, financial and human resources implications clarified;

(2) That the Committee for the Appointment of a Chief Executive be asked to bear these decisions in mind as part of its current consideration of the Chief Executive position;

(3) That the Council refers to the Overview and Scrutiny Committee the details of procedure for reporting such complex and sensitive contracts to Councillors and the procedure to be followed in the event that the Council is considering entering into such contracts; and

(4) That a report be made to a future Audit and Governance Committee as to the procedures which have been or are proposed to be put in place.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Committee for the Appointment of a Chief Executive **Date:** Monday, 18 July 2011

Place: Cabinet Room, Civic Offices, High Street, Epping **Time:** 5.30 - 6.25 pm

Members Present: J M Whitehouse (Chairman), Mrs C Pond (Vice-Chairman), Mrs A Grigg, Mrs M McEwen, S Murray, J Philip and Mrs L Wagland

Other Councillors:

Apologies:

Officers Present: P Maginnis (Assistant Director (Human Resources)) and I Willett (Assistant to the Chief Executive)

1. MINUTES - 14 FEBRUARY 2011

RESOLVED:

That the minutes of the meeting held on 14 February 2011 be confirmed and signed by the Chairman as a correct record.

2. SUBSTITUTE MEMBERS

The Committee noted that there were no substitute members notified for this Committee.

3. DECLARATIONS OF INTEREST

The Committee noted that there were no declarations of interest for this meeting.

4. TERMS OF REFERENCE

The Committee noted the Terms of Reference for this Committee as set out on the Agenda and as agreed by the Council on 30 July 2010 (Minute 61).

RESOLVED:

That any changes to the Terms of Reference of the Committee to be recommended to the Council be considered under the subsequent report concerning the Acting Chief Executive position.

5. ACTING CHIEF EXECUTIVE - APPOINTMENT

The Committee considered a report of the Assistant to the Chief Executive concerning the current position regarding the temporary appointment of an Acting Chief Executive.

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The Committee noted that the current contract extension for this appointment came to end on 31 August 2011 and it would be necessary to make recommendations to the Council meeting on 26 July 2011 concerning the contract.

In discussing the report, the Committee noted that no firm conclusions had yet been reached concerning joint management arrangements with other local authorities and that proposals from Ernst and Young regarding value for money and service efficiency had yet to be received. The Leader of Council pointed out that the Ernst and Young report could raise issues regarding the management structure of the authority which could influence the work of this Committee in relation to a Chief Executive. It was noted that the Ernst and Young proposals were unlikely to be received by the Council until October 2011 and that a provisional deadline for consideration by the Council would be the meeting on 1 November 2011.

The Committee also noted that the recruitment advisers appointed by the authority had now ceased to operate and that any recruitment exercise conducted in respect of a Chief Executive or equivalent position would necessitate of the engagement of a new Consultant.

The Committee discussed the current situation regarding the Acting Chief Executive position and noted that Mr D Macnab in fulfilling this role still held the substantive post of Deputy Chief Executive. The Solicitor to the Council had advised that any extension of the contract was not affected by the Fixed Term (Prevention of Less Favourable Treatment) Regulations 2002 as Mr Macnab remains permanently employed as Deputy Chief Executive. She had further advised that, were those regulations to be engaged, there must be a consecutive series of fixed term contracts which cumulatively exceed 4 years before the temporary contract of Acting Chief Executive matures into a permanent one.

The Committee noted that funding continued to be available for the "Acting-Up" payment to Mr Macnab in the role of Acting Chief Executive and also salary under spends could be utilised to engage a new Recruitment Consultant. However, the Committee concluded that pending the submission of the Ernst and Young report to the Council meeting on 1 November 2011, it would be prudent not to commit new resources to the recruitment exercise or the engagement of consultants until the Council's position on a number of related issues was clear. In view of the timescale for procuring recruitment advice, advertising, interviewing and providing appropriate periods of notice, the Committee concluded that it would be prudent to extend the Acting Chief Executive contract until 31 August 2012 but members hoped this would be the last extension of this contract which they needed to request. The Committee noted that the deadline referred to in the Committee's Terms of Reference would therefore need to be amended and recommended to the Council for approval.

RESOLVED:

That a report be submitted to the Council recommending as follows:

- (a) that the contract of the Acting Chief Executive be extended by a period of 12 months from the end of his current contract extension (i.e. until 31 August 2012);
- (b) that the terms and conditions of this contract remain as previously agreed by the Council subject to the condition set out in paragraph 2 of the report being amended to read as follows:

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“... subject to this appointment being terminated at an earlier date if it proves possible to appoint a Chief Executive or the Council decides to pursue other collaborative or alternative arrangements for a Chief Executive”;

- (c) the following work now being undertaken by the Committee be noted:
 - (i) researching the procurement of consultative advisers to assist the Committee in any recruitment process;
 - (ii) a further review of the job description, person specification, remuneration and recruitment process;
 - (iii) a further review of joint management and any other alternative arrangements;
 - (iv) a provisional timetable for achieving the appointment of Chief Executive by 31 August 2012;
- (e) that the Council notes that no further resources will be committed to any of the steps set out in (c) above pending consideration by the Council of the Ernst and Young report on Value for Money and Service Efficiencies which is provisionally due to be submitted to the Council meeting on 1 November 2011;
- (f) that paragraph (d) of the Committee's Terms of Reference be amended to refer to a new deadline of 31 August 2012.

6. RECRUITMENT ADVICE AND THE WAY FORWARD

The Committee considered recruitment advice and the way forward on recruitment.

RESOLVED:

- (1) That the next meeting of the Committee to consider the recruitment process which the Council needed to adopt and timescale for so doing;
- (2) That there should be member involvement with the selection process for a recruitment advisor and that the Chairman of the Committee and the Leader and Deputy Leader should deal with those matters;
- (3) That procurement of consultancy advice should be based on an overall assessment of the suitability of the advisers brought forward not just questions of costs;
- (4) That work should be undertaken to prepare for possible recruitment at a later stage without committing resources.

7. DATE OF NEXT AND FUTURE MEETINGS

RESOLVED:

That two additional meetings be arranged for September and October 2011 respectively.

8. EXCLUSION OF PUBLIC AND PRESS

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There were no items to be considered in the absence of the press and public.

CHAIRMAN

Derek Macnab
Acting Chief Executive
Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

9th January 2012

Your ref:
Our ref:

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Email: mrichardson@uk.ey.com

Dear Derek

Targeted review of senior management structure, planning and economic development function

This letter is to provide clarification to the panel responsible for the appointment of the Chief Executive for Epping Forest District Council.

As you will be aware from our engagement letter dated 2nd September 2011 our engagement with Epping Forest District Council was to conduct a targeted review of the senior management structure and planning and economic development function and to review strategic property options.

The purpose of our initial engagement was to confirm the existing structure, function and roles, develop an understanding of the Council's current vision and priorities. The focus for our work was on what currently works well, what could work better and any challenges, barriers or issues. The objective was to consider how a new operating model and senior management structure could better align to the vision and priorities for the Council.

Further to the submission of our report, you have sought clarification and we would like to reaffirm our recommendations in relation to the post of Chief Executive and Deputy Chief Executive.

It is our view that there is specific need to initiate the process for the permanent appointment of a sole Chief Executive for Epping Forest District Council as a matter of priority. It is important that any future change to the senior management structure be lead by, and fully supported by a permanent and sole appointment to this post. It should be the responsibility of the permanently appointed Chief Executive to determine the pace of change and the extent to which the options set out in our report should be implemented.

We note that the current post of Deputy Chief Executive is vacant with the current post holder acting as Chief Executive.

We believe that the new structure should be better aligned to the current and future need of the Council and also recommend that the substantive post of Deputy Chief Executive be removed

from the senior management structure. It is important to highlight that the responsibilities of this post be retained and are appropriately reallocated elsewhere within the structure.

I trust this provides clarification but please do not hesitate to contact me in the event of further clarification required by the appointment panel.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marlon Richardson'.

Marlon Richardson
Director
On behalf of Ernst & Young LLP



SCRUTINY

**REPORT OF THE SENIOR RECRUITMENT TASK AND
FINISH PANEL**

JANUARY 2012

Contact for enquiries:
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DRAFT

1. Chairman's Foreword

1.1 Effective leadership is the key to the success of any organisation. It follows that the recruitment process for key leadership roles should be rigorous and open to scrutiny. This report sets out a proposed procedure, emphasising the need for specialist legal and HR advice in all but routine staff contracts but allowing flexibility of approach depending on circumstances prevailing at the time. I would like to thank my fellow Councillors and officers for their advice and evidence provided to support our conclusions



Councillor Ken Angold Stephen
Chairman, Senior Recruitment Task and Finish Scrutiny Panel
January 2012

2. Introduction or Overview

2.1 Following a report to the Council by the Audit and Governance Committee, Overview and Scrutiny Committee were asked to undertake a review of the reporting procedures for the recruitment of the Chief Executive.

2.2 The Overview and Scrutiny Committee, at its meeting on 6 September 2011, agreed to establish a Task and Finish Group to facilitate this review.

2.3 The Committee appointed the following members to serve on the Panel:

Councillors K Angold-Stephens (Chairman), Mrs A Grigg, J M Whitehouse, R Bassett and D Stallan.

2.4 At our first meeting, Councillor David Johnson attended as an Alternate Member for Councillor Bassett who was unable to attend.

2.5 The first meeting of the Panel was held on 10 November 2011. The Panel identified its aims and objectives and Terms of Reference which are reproduced below:

“Aims and Objectives

To bring forward a procedure for the reporting of complex and sensitive contracts to members and a procedure to be followed in the event of such contracts being entered into.

To report their findings to the Overview and Scrutiny Committee for onward consideration by the Council.

To have agreed written procedures in place in time to inform the outcome of the recruitment to the position of Chief Executive which is currently vacant and any issues arising from the review by Ernst and Young in respect of the corporate management structure. “

“Terms of Reference

1. To consider and formulate a written procedure for reporting complex and sensitive senior officer employment contracts to members;

2. To consider the scope and agree positions to which these arrangements should apply (eg. Chief Executive; Deputy Chief Executive; Directors; Assistant to the Chief Executive and other statutory officers);
3. To formulate a procedure on how the Council seek advice on the form of contract and other contractual considerations arising from senior staff appointments taking account of lessons learnt from previous cases;
4. To bring any other recruitment issues arising from the review to the attention of the Committee for the Appointment of the Chief Executive;
5. To report to the Overview and Scrutiny Committee with recommended procedures by 6 March 2012.”

2.6 These were subsequently approved by the Overview and Scrutiny Committee on xx

2.7 We have met on xx occasions to discuss the issues in this report and have consulted the Council’s Acting Chief Executive, Monitoring Officer, Section 151 Officer and Chief Internal Auditor. Views on this report have also been sought from the Council’s External Auditors.

2.8 Our remit does not include any involvement in current or forthcoming recruitment exercises save advising on an appropriate process that should be followed to ensure members are appropriately advised and involved in future senior recruitment events.

2.9 It is worth mentioning also that we determined very early in our processes that only appointments at Director level and above and senior statutory officer appointments should fall within the remit of the proposals we are recommending.

3. Context

3.1 Senior Recruitment exercises have happened infrequently at the authority. The process is governed by Officer Employment Procedure Rules which are set out in Section M of the Council’s Constitution. The appointment of the Head of the Paid Service is a matter for full Council to determine on the recommendation of a Panel of Members drawn together for the purpose of that appointment. This Panel should comprise members of all political groups and include a member of the Executive. The Council can only approve an appointment where no well-founded objection has been made by any member of the Executive.

3.2 For Directors the appointment is normally undertaken by a Panel of 7 members, including at least one Cabinet member with members being required to undertake recruitment and selection training before taking part in interviews.

3.3 Quite aside from the requirements of the Council’s Constitution, appointment need to be made in accordance with law.

3.4 We have put forward proposals setting out how members are involved in the process of appointment and the steps in such a process that require decisions and/or expert advice being made available to members.

4. Summary of Recommendations

The Panel recommends:

- 4.1 That the flow chart (Appendix 1 to our report) and guidance note (Appendix 2 to our report) be approved for use in future Senior Recruitment exercises to provide a framework within which the Appointments Panel can work.
- 4.2 That the process should only apply to Chief Executive; Deputy Chief Executive; Directors; Assistant to the Chief Executive and other statutory officers.
- 4.3 That careful drafting of delegation to appointments Panel to be clear about extent of powers to recommend to Council any contract variations, appointment, short/long listing etc.
- 4.4 That reports to members be made in a standard template giving all relevant which will include financial and risk assessments information.
- 4.5 That specialist legal advice be made to members as appropriate through the PLP and HR advice through VINE and budgeted for by Council.
- 4.6 That an evaluation process be put in place as a matter of course on each senior recruitment event.
- 4.7 That after the conclusion of the current exercise, the Officer Employment Procedure Rules be redrafted to:
- (i) incorporate the applicability of section 4 to the Statutory Officer positions (Needs check with Panel about view of HR) and.
 - (ii) include more detail of the objection to appointment process set out in the constitution; and
 - (iii) consider its ongoing appropriateness;
- 4.8 That the Committee for the Appointment of a Chief Executive be asked to consider:
- (i) appropriate Performance Management and supervision arrangements;
 - (ii) ensuring those undertaking Performance Management and supervision to have access to appropriate training and advice; and authority from Council to undertake this role.
 - (iii) whether there should be any process put in place for dealing with employment issues short of formal dispute.

5. Report

5.1 We have been charged with formulating a procedure on how the Council seeks advice on the form of contract and other contractual considerations arising from senior staff appointments taking account of lessons learnt from previous cases.

5.2 As part of our consideration we have reviewed copies of the existing relevant information as follows:

- (1) Report of the Audit and Governance to the Council dated 26 July 2011 (Restricted report)
- (2) Motion moved by the Leader in response to (1) above.
- (3) Extract of the Council minutes dated 26 July 2011; and
- (4) Copy of the agreed Terms of Reference of the Committee for the Appointment of the Chief Executive.
- (5) Officer employment procedure rules – taken from the current council constitution (also see paragraph 5.7 below).
- (6) A process diagram for Senior Officer Recruitment (see appendix 1);
- (7) Chief Officer Recruitment – Guidance Note (see appendix 2);
- (8) Chief Executive – Job Profile;
- (9) Example Council Contract;
- (10) Responses from officers on the proposed review where received;
- (11) Copies of previous reports to Council on appointments in 2007 and 1992 (Restricted Council Reports)

5.3 In addition we have:

- (1) Sought views on the process from the Acting Chief Executive, Assistant Director HR, Chief Internal Auditor and Chief Finance Officer.
- (2) Sought views from other authorities about these type of processes;
- (3) Taken evidence from the Assistant Director HR on matters of process and have discussed the proposed documents discussed below.

5.4 Although there is a procedure for the appointment of senior officers we have discovered that no written guidance sets out how members undertake these key recruitment exercises and ensure effective reporting to members. We understand equally that no two exercises are the same and any process that we devise must be adaptable to each circumstance. We have worked with officers to bring forward two documents. Firstly, a Senior Officer Recruitment flowchart which provides a framework within which members can work for future appointments. This is attached at Appendix 1 to our report.

5.5 Additionally we are commending the use of a guidance note (Appendix 2) which should be read in conjunction with the flowchart and adds more information about the stages in such an exercise.

5.6 We are recommending that the Council, in drafting its delegation arrangements it should give careful consideration about all aspects of the recruitment, particularly:

- (1) The Panel/Committee's Terms of Reference;

- (2) The Panel/Committee's delegated authorisations i.e. to carryout the process and recommend an appointment to Council, or recommend a long list/short list, interview process etc;
- (3) Timescales;
- (4) The relevant officers to be involved, i.e. HR Advisor, Legal Advisor, Finance Advisor (if required), Committee support;
- (5) To establish a budget for any structural change, recruitment and potential legal costs;
- (6) To nominate the 'Proper Officer' in accordance with the Council's Constitution.

5.7 We have also suggested that all future reports are made in a standard format which should ensure that members are able to fully understand the implications of the proposals put to the Council. As part of our consultation process we approached a number of other authorities to seek their views on where difficulties in recruitment exercises might lie. Anecdotal comments suggest two main reasons for difficulties: (i) Changes in the Chief Executive and/or the Leadership; and (ii) lack of clarity during advertising and recruitment as to what would be expected of the post holder. It is, therefore, essential that members can access the appropriate advice on contracts and employment as and when they are required. Sources of such advice have been suggested to us. We are recommending accordingly.

5.8 We consider that an evaluation stage should be included for this and future recruitment exercises in order that our suggested procedures can be reviewed in the light of operational use.

5.9 We have received copies of the Officer Employment Procedure Rules that form part of the Constitution. We believe that once the current recruitment exercise is completed it would be timely to review this document to:

- (i) review section (4) to include the statutory officer positions;
- (ii) consider whether greater detail is required within the procedure on the 'Executive' objection process; and
- (iii) its ongoing appropriateness.

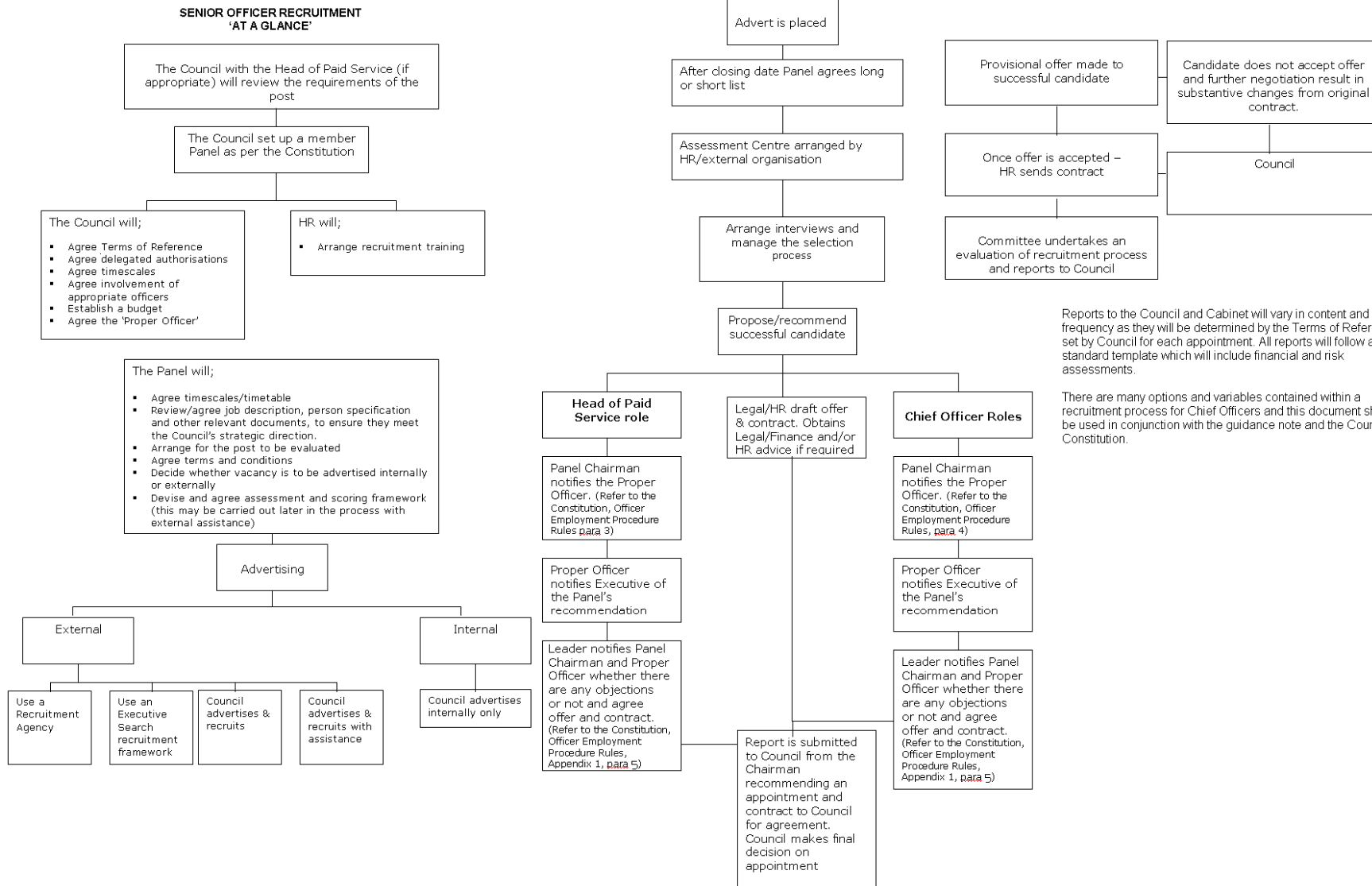
It will be matter for Council to determine how this is carried out.

5.10 Arising from our discussions we are recommending that the Committee for the Appointment of the Chief Executive, specific to the current recruitment, consider how performance management and monitoring of the Council's progress towards meeting the Council's Forward Plan targets can be undertaken.

6. Appendices

Appendix 1 – 'At a Glance' Flowchart

Appendix 2 - Chief Officer Recruitment – Guidance Note



Reports to the Council and Cabinet will vary in content and frequency as they will be determined by the Terms of Reference set by Council for each appointment. All reports will follow a standard template which will include financial and risk assessments.

There are many options and variables contained within a recruitment process for Chief Officers and this document should be used in conjunction with the guidance note and the Council's Constitution.

Chief Officer Recruitment – Guidance Note

Council

Where a vacancy arises at Chief Officer level, including the Chief Executive role, the Council is required to;

- Review whether post is required. Can work be carried out a different way? This should be carried out with the Executive if recruiting to a Chief Officer role.
- Set up a member Panel as per the Constitution.
- Agree;
 - The Panel's Terms of Reference
 - The Panel's delegated authorisations i.e. to carryout the process and recommend an appointment to Council, or recommend a long list/short list, interview process etc
 - Timescales
 - The relevant officers to be involved, i.e. HR Advisor, Legal Advisor, Senior Committee Secretary
 - To establish a budget for recruitment and potential legal costs
 - To nominate the 'Proper Officer' in accordance with the Council's Constitution.

(This list is not exhaustive. Council will be presented with a checklist of terms/authorisations to consider along with any further items Council wish to include)

Recruitment Panel

The Panel should;

- Agree timescales/timetable for the campaign
- Review/agree job description, person specification and other relevant documents, to ensure they meet the Council's strategic direction.
- Arrange for the post to be evaluated if appropriate
- Agree terms and conditions that the post will be offered on. This will be subject to legal advice, (which may only be to confirm that it meets the Council's objectives and that there are no unintended consequences), HR and finance advice. The Panel may be required to obtain the Council's agreement at this stage, however, this will depend on their Terms of Reference and delegated authorisations.
- Decide whether vacancy is to be advertised internally or externally
- The Panel will be required to devise and agree their assessment and scoring framework
- HR will arrange recruitment training for the Panel, including its responsibilities contained within the Constitution.
- HR will arrange a procurement briefing for the Panel if required.

Membership of Recruitment Panel

- To recruit to the Head of Paid Service/Chief Executive - Members, HR advisor and assisting organisation if appropriate
- To recruit to Chief Officer - Members, Head of Paid Service/ Chief Executive, HR advisor and assisting organisation if appropriate

Advertising

If the Panel wish to advertise the role externally there are a number of options they could consider;

- Using a Recruitment Agency with no recruitment advertising campaign
- Using an Agency/consultancy/executive search. There are a number of frameworks which already exists that the Council can use;
 - Essex County Council
 - London Boroughs (will have to pay a fee to join approx £250)
- Advertise and recruit ourselves
- Advertise and recruit ourselves with assistance from the East of England Local Government Association (EELGA), or the Essex HR Partnership (Vine HR)

The Panel can decide to advertise internally only. The Panel still may wish an external organisation to manage the process.

Process

Once the job description, person specification, salary and terms & conditions are agreed an advert can be placed.

Once the closing date has passed a long or short list is agreed using the agreed assessment and scoring framework. The Panel can work with their consultants to do this or task them to draw up a long list in the first instance.

The Council can work with a Recruitment Agency/Consultants/Executive Search organisation to develop/organise an 'assessment centre' i.e. psychometric tests, presentations, reports, interviews, group & individual exercises.

Or this could be devised arranged internally with assistance from Vine HR or EELGA.

The Panel/Committee will decide at the time of procuring external consultancy what tasks it wants them to carryout. This may be amended as the process is progressed but it should not vary too much from the initial brief, due to procurement rules and that there is likely to be an additional cost.

Appointment/Offer

The Panel is required to follow the appointment process set out in the Council's Constitution. (Refer to Officer Employment Procedure Rules, para 3, para 5 and Appendix 1 para 4).

If the provisional offer is not accepted by the successful candidate which results in further negotiations and substantive changes from the original contract then agreement will be required from Council.

Constitution

The relevant information for the appointment of Senior Officers is contained in the Council's Constitution in the section titled 'Officer Employment Procedure Rules'.

Contract

HR/Legal will draft the provisional offer letter and Statement of Particulars and submit them to Counsel or the Essex Legal Partnership for advice.

NB Comment from KAS: I assume this refers to any issues that may be raised by the selected candidate after the statement of particulars has been approved? It has to be assumed that these would normally be of a very minor nature if the selection process has been rigorous. If so the panel should have the powers to make the appropriate decision but if they relate to contractual obligations then legal advice must be sought by the panel before agreeing any changes.

Does the Statement of particulars' need to include a line that the offer of a post is subject to signing off by full Council?

Reports to Council/Cabinet

Reports to the Council and Cabinet will vary in content and frequency as they will be determined by the Terms of Reference set by Council for each appointment. All reports will follow a standard template which will include financial and risk assessments.

Evaluation

The Appointment Panel will undertake an evaluation of recruitment process, reviewing what worked well and not so well and submits a report to Council on their conclusions and key learning issues.

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Report to the Committee for the Appointment of a Chief Executive

Date of Meeting: 19 January 2012

Portfolio: Leader of the Council

Subject: Chief Executive Recruitment Documents and Remuneration

Responsible Officer: Paula Maginnis (Assistant Director (HR)) (Tel 01992 564536)

Democratic Services Officer: I Willett (Assistant to the Chief Executive) (Tel 01992 564243)

Recommendation:

- (1) That the job description and person specification be agreed subject to any amendments made by the Committee; and**
- (2) That the Committee considers the options for setting a salary for the Chief Executive role.**

Report:

Introduction

1. At the Council meeting on 27 July 2010 members agreed the terms of reference for the Chief Executive Appointment Committee which included;
 - 'to consider in consultation with the Council's recruitment consultants the person specification, job description and associated matters relating to the recruitment and appointment of the Council's Chief Executive (Head of Paid Service)' and;
 - 'to consider the appropriate remuneration appropriate to the role recommended by the Appointment Committee'.

Job Description, Person Specification and Behaviours

2. A draft job description and person specification were supplied by the previous consultants and are attached at appendix 1 for discussion and consideration by the Committee.
3. Discussions held by the previous Committee concluded that members would discuss and agree the behaviours and values that they require of the Chief Executive. These and the job description/person specification would form part of the brief to the consultants setting out the Council's requirements to take forward into the recruitment process.

4. To assist members of the Committee in the discussion a number of values and behaviours have been listed below;
 - What Leadership behaviours does the Council require? E.g. adaptability, emotional maturity, leads by example, passionate, determined, visionary.
 - What Values should they possess? E.g. integrity, honesty, fairness, compassionate
 - What should their Communication style be? E.g. effective listening, decisive, clarity, positive.
 - What Personal behaviours are required? E.g. – courage/self-confidence, wisdom, commitment, intuitive

This list is not exhaustive and has been included in the report for the purpose of encouraging discussion.

Job Evaluation

5. As members are aware the Council undertook a major restructure in 2007/2008 which included the senior management team. The Director, Deputy Chief Executive and the Chief Executive posts were evaluated by the Hay Group.
6. The draft job description and person specification have been amended to reflect the current challenges to public finances, alternative ways of delivering public services and partnership working. The documents may also be amended further subject to these discussions. In addition, the Local Government market has changed regarding Chief Executive salaries therefore it is recommended that the post is evaluated and/or a salary benchmarking exercise is undertaken prior to any search and selection activity or salary benchmarking..
7. The national job evaluation scheme for Chief Officer is an alternative evaluation scheme which the Committee could consider. It incorporates the management elements of the Hay Scheme and factors within the NJC national scheme (i.e. the Green Book). This option is less expensive than Hay, however, the Council's Chief Officer posts have been evaluated using Hay and for consistency purposes the Committee may consider Hay as being more appropriate at this stage.
8. The Committee could decide to use benchmark pay information to set a salary rather than job evaluation if it felt the decision regarding which scheme to use would be more appropriate made by members as part of the senior management review/restructure. If this option was agreed any recruitment adverts/documents would state that the post is likely to be subject to job evaluation as part of a senior management review.

Other Options for Action:

The Committee could substitute the job description and person specification for one of their own.

The Committee could decide to use another method of evaluation.

Resource Implications:

The cost of Hay providing the evaluation will be approximately £1,400.00 excluding VAT. For the 2011/2012 financial year these costs can be met from the Corporate

HR Improvement budget. Costs incurred after this date will be met from the Chief Executive salary under spend.

This cost will cover the evaluation which will include a discussion/meeting with the Leader and one Pay Benchmark exercise against the national Local Government Market (other markets are available). If the Committee decides it would like to undertake further Pay Benchmark exercises there will be additional costs.

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CHIEF EXECUTIVE
Epping Forest District Council

The Role:

- To lead and inspire officers to deliver the vision, values and objectives of the Council.
- To ensure that all resources are used effectively in a co-ordinated way to deliver excellent customer services to local residents.
- To work in partnership with Members, the Corporate Management Team, Officers and key stakeholders to provide leadership, strategic direction and change management to the Council.
- To ensure that Epping Forest Council is at the forefront of modern and effective local government and in doing so, to lead on initiatives arising from new legislation affecting local government.
- To be an ambassador for the Council and ensure it is fully engaged with stakeholders and communities.
- To be the Head of Paid Service for the Council.
- To lead the Council's response to the changing financial climate over the coming years by reassessing service delivery models, delivering efficiencies and seeking out opportunities for partnership working.
- To operate locally, regional and internationally as an ambassador for Epping Forest.

Key Accountabilities:

Leadership and Management

- Work in partnership with Members and guide, support and advise them on the development and implementation of the Council's policies.
- Provide decisive leadership for the organisation in pursuing the vision, strategic goals and priorities of the Council.
- Create a business like culture of continuous improvement and integration.
- Inspire and shape the organisation to deliver effective and efficient services.
- Promote learning and development and support a performance management culture.
- Lead and develop the Corporate Management Team to ensure that all resources are deployed effectively.
- Promote the development of effective policies and services in response to the changing demands imposed by legislation, government intervention and service demands.
- Provide leadership and vision by including modern business methods and technology.

Member Relations

- Act as principal advisor on policy and ensure Members are able to formulate and determine policy in a way consistent with the effective, financially prudent and legal operation of the Council.
- Establish and maintain effective working relationships with the Leader of the Council, other Political Group Leaders and all Members.
- Work with political understanding and sensitivity, whilst acknowledging the political framework of the Council.

- Promote a culture of political awareness that helps translate political will into appropriate future strategies.

Service Delivery

- Ensure that all service delivery is customer focused.
- Provide a framework within which to challenge service provision ensuring that effective and efficient services are delivered.
- Provide good value for communities through public engagement, maximising resources, incorporating best practice and utilising new technology and innovation.
- Ensure that service delivery is supported by a comprehensive performance management system that tracks the implementation of corporate priorities and objectives for the organisation.
- Provide leadership in the Council's desire to work in partnership with key partners including the County Council, Town and Parish Councils, Police, Health and the Voluntary sector to deliver services.
- Ensure the Council is commercial in its approach to financial and human resource management.

Reputation Management

- Proactively promote and market a positive image of the Council as an effective service provider and as a place to live and work.
- Continue to build the profile of Epping Forest locally, regionally and nationally.

Valuing Diversity

- Promote the Council's commitment to valuing diversity and providing equal access to service delivery.
- Ensure the Council's commitment to equality of opportunity for all employees and Members within a culture of fairness, equality and respect is achieved.

Other

- Undertake all duties in accordance with the Council's policies and statutory obligations.

PERSON SPECIFICATION

Background and Experience:

- Evidence of proven achievement at senior management level within the public sector environment.
Such experience will be assessed against the following criteria:
 - Successful track record of giving professional advice to, and building productive working relationships with, senior managers and/or Elected Members.
 - Demonstrable success in change and improvement management, managing a diverse range of services and translating organisational ambitions into real achievements and service delivery improvements.
 - Demonstrable success in developing partnerships and collaborative ways of working in order to secure greater levels of efficiencies.
 - Successful track record of establishing a strong performance culture, effective performance and service quality evaluation that involves users and drives up standards and performance.
 - Operating in an environment where the engagement of local people is critical to the reputation of a Council.
 - Considerable involvement in the preparation, management and control of complex budgets and capital programmes, including budget formulation, rigorous financial monitoring and control.
 - Experience of leading and motivating a team of senior professional and managerial staff to a high level of achievement.
 - A strategic knowledge and understanding of the benefits of using technological solutions.
 - Achievement of equal opportunities in both employment and service delivery and a demonstration of personal leadership in the value of diversity.
 - A proven track record of implementing effective, innovative strategy in a large, multi-disciplinary environment.
 - Qualified to degree level or equivalent. Some advanced management qualifications are desirable although a proven interest in personal and organisational development is essential.

Personal Qualities:

- Highly motivated, enthusiastic and an excellent communicator.
- An effective, highly visible leader with an approachable style who is also prepared to challenge and take risks.
- Committed, robust and resilient enough to work within a changing, challenging and complex environment.
- Strategic change enabler
- A team worker who can motivate and work across boundaries and achieve performance and results through others.
- An inspirational, motivational, enthusing leader and corporate player.
- Personality, conduct and credibility that engages and commands the confidence of Councillors, senior managers, staff, local communities, external partners and other stakeholders.
- Strong partnership ambassador for the Council and the locality.
- Proven business and commercial acumen in the management of public sector resources.
- Committed to local democracy, social justice and accountability to the community.
- Objective and outcomes focused.
- Able to build a strong working relationship with the Leader, manage expectations and deliver results.

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Report to the Committee for the Appointment of a Chief Executive

Date of Meeting: 19 January 2012

Portfolio: Leader of the Council

Subject: Procurement of Consultancy to assist with the Chief Executive Recruitment Process

Responsible Officer: Paula Maginnis (Assistant Director (HR)) (Tel 01992 564536)

Democratic Services Officer: I Willett (Assistant to the Chief Executive) (Tel 01992 564243)

Recommendations:

- (1) That the Committee considers the appropriate way to advertise the Chief Executive role.**
- (2) Subject to recommendation (1) the Committee considers the options for procuring consultancy to assist with the Chief Executive Recruitment Process.**

Report:

Introduction

1. At its meeting in July 2011 the Committee was informed that the Council's recruitment advisers, Tribal, ceased to operate and the Committee would be required to procure new advisers if this service was still required.

2. At this meeting it was agreed that;

'There should be member involvement with the selection process for a recruitment adviser and that the Chairman of the Committee and the Leader and Deputy Leader should deal with these matters.'

'The procurement of consultancy advice should be based on an overall assessment of the suitability of the advisors brought forward not just questions of cost.'

External/Internal Recruitment Campaign

3. The Committee has a number of options if it decides to advertise externally;
 - Using an Agency/consultancy/executive search organisation. There are existing frameworks that the Council can use;
 - Essex County Council

- London Boroughs Recruitment Partnership (will have to pay a fee to join approx £250)

Either method can be with or without a recruitment advertising campaign.

- Advertise and recruit ourselves
 - Advertise and recruit ourselves with assistance from the East of England Local Government Association (EELGA), or the Essex HR Partnership (Vine HR)
4. The Panel can decide to advertise internally only and not use external assistance. However, the Committee may still wish an external organisation to manage the process.

Essex County Council Framework

5. Essex County Council (ECC) has existing Framework Agreement that EFDC can use to procure assistance with recruiting to the Chief Executive role. There are 6/7 organisations on the Framework and to ensure the Council complies fully with its Standing Orders a mini tender exercise would take place between those organisations.
6. ECC can manage this process on the Council's behalf. ECC use this framework on a regular basis for their senior recruitment and are very experienced at drawing down the services. They can therefore provide as much or as little support during this process and would charge the Council approximately £450 per day.
7. ECC would also, at a cost, assist with the administration of the recruitment process. Alternatively, these tasks could be undertaken in house working with the consultants
8. If the lead Committee members wished to 'interview' all the respondents to the mini tender process before making their selection they should obtain advice and guidance from the Council's Finance Officer – Procurement.

London Boroughs Recruitment Partnership

9. The London Boroughs Recruitment Partnership (LBRP) is managed by the London Borough of Sutton and covers two 'lots'. Lot 2 is the executive search contract which is relevant to EFDC.
10. The Council would join the Partnership as an Associate Member at a cost of £250 per annum, which will increase to £500 pa from 1 April 2012. This covers the costs of managing the contract by Sutton Borough Council. (As an Associate Member the Council would receive an element of rebate and have access to Lot 1 which is recruitment advertising).
11. The process for procuring services from this Framework will be similar to that set out above.

EELGA and VineHR

12. If the Committee wished to procure services from EELGA or VineHR the Council's Standing Orders or Essex Procurement Hub procedures would apply. Based on the quote previously provided by Tribal, three quotes would be required as a minimum.
13. EELGA have recently assisted in the recruitment of a number of Chief Executive positions so therefore have the necessary knowledge and experience. Their costs are likely to be very competitive.
14. VineHR would be able to assist internal staff with elements of the process but would not be able to undertake specialist recruitment advertising or pay benchmarking.

Other Options for Action:

The Committee requests information of other Framework Agreements for Executive Recruitment

Resource Implications:

For the 2011/2012 financial year costs incurred for the Chief Officer recruitment process can be met from the Corporate HR Improvement budget. Costs incurred after this date will be met from the Chief Executive salary under spend.

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