

Cumberland Joint Committee

Meeting date: 30 March 2022

Report of: Nicola Houwayek, Technical Lead OD&HR Workstream, LGR Programme

Subject: Interim Statutory Officer Recruitment

1.0 SUMMARY:

- 1.1** The purpose of this report is to outline the proposed approach to the recruitment of interim statutory roles for the Cumberland Joint Committee.
- 1.2** The Joint Committee have in the remit of their terms of reference, the authority to agree and undertake the recruitment process for the Statutory Interim roles for the Shadow Authority (Head of Paid Service, Monitoring Officer and Chief Finance Officer). This is to enable the Shadow Council to make a decision on the appointment of the recommended designations at their first meeting in May (a requirement of the Structural Change Order).

2.0 RECOMMENDATIONS:

That the Joint Committee:

- 2.1** Agree the selection process, as outlined in paragraphs 3.5 – 3.8 of this report.
- 2.2** Agree the nominations from members of the Joint Committee to act as interview panel members, with one nomination to be agreed from each of the District Councils and one from the County Council. In the case of a tied vote, the person presiding at the meeting (whether or not the Chair of the Committee) will have the casting vote.
- 2.3** Consider the options in relation to the field of selection for candidates for the Interim Statutory roles as outlined in Appendix 1 and agree their preferred option.
- 2.4** Agree the principles for the appointments outlined in paragraphs 3.14 – 3.17 of this report.
- 2.5** Agree the draft job descriptions for the roles of Interim Head of Paid Service (Appendix 2), Interim Monitoring Officer (Appendix 4) and Interim Chief Finance Officer (Appendix 3).

3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:

Background

3.1 The Shadow Authority must appoint an Interim Head of Paid Service, Interim Chief Finance Officer and an Interim Monitoring Officer in accordance with Article 9(1)(a) – (c) of the Structural Change Order. These roles will need to be in place for the Shadow Cumberland Council in May 2022, and it is a requirement to confirm the appointments at the first shadow council meeting, to be held within 14 days of the election.

3.2 The Terms of Reference of the Joint Committee includes undertaking the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer and Interim Monitoring Officer, in order to make recommendations for the appointments to the Shadow Authority.

3.3 The Structural Change Order states that appointees must be an existing officer of the County Council or an officer of one of the District Councils in the Cumberland area.

3.4 The statutory roles are described as designations because in statute they are a set of responsibilities, rather than a full role, to be discharged by the designated officer.

The Selection Process

3.5 A proportional selection process will be put in place, recognising that these are designations and the credibility of internal candidates. It is proposed that applications will be made through an Expression of Interest, where applicants will be asked which role(s) they are interested in and to respond to the following questions:

- Why are you applying and what can you bring to the role(s)?
- How will you balance the demands of the interim role with your substantive role, to ensure that you successfully contribute to both the formation of the new council and ensure business as usual within your existing authority?
- Do you have previous experience as Returning Officer (specific question for the Interim Head of Paid Service role)

3.6 Applicants will then be invited to a member panel interview and asked to give a presentation.

3.7 The selection panel will consist of 4 nominated members of the Joint Committee, with one representative from each of the District Councils and one representative from the County Council. The Joint Committee is asked to agree the interview panel members from the received nominations. The selection panel should be comprised of the same members for the interviews for each of the individual statutory roles, but the same panel does not need to consider all of the roles.

3.8 The selection panels will be supported by a neutral HR representative and an advisor from North West Employers. The recommended candidates will be endorsed by the Joint Committee, who will refer the nomination to the first meeting of the Shadow Authority, for its decision on the appointment, in accordance with the Structural Change Order.

Options Regarding the Field of Selection

3.9 To ensure an independent view, external legal advice has been provided on the definition of “an existing officer”. The advice confirms that it is not restricted to those officers currently occupying that designated role within their respective Authorities but also, that it is reasonable to limit to those who are.

3.10 The two options available are:

Option 1 - to ringfence the opportunities for these designations to those who currently hold these designations in one of the four councils or

Option 2 - to widen the field of selection, so that the opportunities are open to all officers of the Council who have the required experience, skills and qualifications

3.11 The legal advice has been reviewed by the Monitoring Officers and the options discussed with members of the OD&HR Workstream, which consists of HR Leads from each of the seven sovereign councils. Chief Executives and the LGR Programme Director have also offered advice and suggestions on the process. Consideration has also been given to the process undertaken by other councils who have gone through the LGR process, and specifically Dorset and Northamptonshire.

3.12 Both options are legitimate, and members are asked to agree their preferred approach. Further detail on the options is outlined in Appendix 1, with a recommendation from the independent technical lead for the OD&HR Workstream for Option 1 to be agreed. This option is recommended in recognition of the fact that the incumbent statutory officers are experienced local government managers, capable of undertaking the respective interim roles and that there are no legal risks. The independent lead for the OD&HR Workstream also recommends that Option 2 be instigated in the event that no expressions of interest are received from the incumbent statutory officers.

3.13 If no expressions of interest are received from existing officers, contingency planning will be put in place to enable external, fixed-term recruitment to one of the councils to specifically undertake the designations.

Principles for Appointments

3.14 It will be made clear that these time limited roles are different from their substantive equivalents in the new council, and that it should therefore not be assumed that any individual selected for an interim role will automatically be successful should they also apply for the substantive role.

3.15 Once designated, the individuals will continue to operate in their substantive posts, and it is envisaged that the amount of time needed for their interim responsibilities will vary throughout the duration of the programme. Candidates will be asked how they expect to balance the demands of the interim role with their substantive roles, to ensure that they successfully contribute to both the formation of the new councils and ensuring business as usual within their home authority.

3.16 The roles will be in operation from the establishment of the Shadow Authority to 31 March 2023, or until a person to perform those functions is appointed on a substantive basis for the Cumberland Council and takes up that appointment.

3.17 There will be no additional allowance paid for undertaking these roles.

Proposed Timeline

3.18 Bearing in mind the dates for elections at the beginning of May and the commitments this will bring, the following timeline is proposed:

Activity	Timeline
Details for the selection process agreed with the Interview Panel	1 st week April
Advertised	By 8 April
Selection Panels	w/c 18 April
Report back to the Joint Committee	9 May
Shadow Council Appointment	Mid-May (at first meeting)

4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)

Interim Statutory Appointments

4.1 That the selection panels for the Interim Statutory Appointments involves all members of the Joint Committee. In line with the proposed “light touch” selection process, this option is not recommended

5.0 IMPLICATIONS:

5.1 Financial and Procurement:

5.1.1 There are no financial or procurement implications in relation to the Interim Statutory Posts.

5.2 Staffing:

5.2.1 There will be a capacity impact on the home council of the successfully appointed Interim Statutory Officers. This impact will need to be properly planned for before appointments are taken up and regularly reviewed.

5.3 Legal:

5.3.1 At its first meeting the Shadow Authority must designate on an Interim basis a Head of Paid Service, a Chief Finance Officer, a Monitoring Officer in accordance with Article 9(1)(a) – (c) of the Cumbria Structural Change Order 2022.

5.3.2 The Joint Committee terms of reference approved by all sovereign Councils provide that it will agree and undertake the recruitment process for the selection of the posts of Interim Head of Paid Service, Interim Chief Finance Officer (s151 Officer) and Interim Monitoring Officer for the Shadow Authority and recommend to the Shadow Authority at its inaugural meeting nominations for the three Interim Statutory Officers.

5.4 Information Governance:

5.4.1 There are no information governance implications arising from this report.

6.0 HEALTH AND SUSTAINABILITY IMPACT:

6.1. There are no Health and Sustainability impacts arising from this report.

7.0 EQUALITY AND DIVERSITY IMPACT:

7.1 There are no equality and diversity impacts arising from this report.

8.0 RISKS:

- No expressions of interest received for one or more posts from existing officers of one of the relevant councils. Contingency planning will be put in place to enable recruitment of a fixed-term employee.
- Perception of the interim appointments as an indication of future substantive appointments. The Expression of Interest process and supporting communication will make clear that this is not the case.
- Impact on sovereign council responsibilities for successful applicants. Applicants will need to ensure that they have adequate plans in place and to be supported by their sovereign council. They will be asked about these plans as part of the selection process.

9.0 CONCLUSION:

9.1 The mitigations outlined should ensure that these risks are effectively managed.

Report Author: Nicola Houwayek, Technical Lead OD&HR Workstream, LGR Programme

APPENDICES

Appendix 1 – Options and Recommendation for the Field of Selection to the Interim
Statutory Posts
Appendices 2-4
Proposed job descriptions for the Interim Head of Paid Service, Interim Chief
Finance Officer and Interim Monitoring Officer.

Options and Recommendation for the Field of Selection to the Interim Statutory Posts

Option	Benefits	Risks
<p>Option 1: Ring-fence interim roles to relevant existing statutory officers across all 7 Councils (in line with geographical requirements for East and West)</p>	<ul style="list-style-type: none"> • Recognises that the incumbent statutory officers are experienced local government managers, capable of undertaking the respective interim roles • Shows faith, trust and confidence in the incumbent statutory officers • The selection process can be “light touch” • No legal risks identified with this approach 	<ul style="list-style-type: none"> • Limits the pool so not necessarily recruiting the best candidate (it may be someone not currently in post who has the relevant skills, experience and, where relevant, qualifications)
<p>Option 2: Open up interim roles to all suitably experienced and qualified officers across all 7 councils (in line with the geographical requirements for East and West)</p>	<ul style="list-style-type: none"> • Ensures that the pool is opened up, so the best candidate is recruited (it may be someone not currently in post) 	<ul style="list-style-type: none"> • Potential for claims for constructive (unfair dismissal) from existing incumbent statutory officers if opened up. External legal opinion is that this is not likely to succeed. • Possible staff retention issues amongst existing key officers – potential negative message regarding confidence in this group. • Process will also require a shortlisting stage
<p>Recommendation: <u>Option 1</u> in the first instance and then moving to Option 2 for specific posts, if no expressions of interest are received from the ring-fenced group NB: This approach has been taken by other councils going through LGR (Dorset and Northamptonshire)</p>		

**Interim Head of Paid Service
Draft Job Description**

Purpose

To ensure the smooth continuance and delivery of the LGR Programme for the Cumberland Council area, enabling the successful transition to the new Council.

Key Responsibilities

1. Accountable for the delivery of the LGR Programme in Cumberland area, sitting on the LGR Programme Board.
2. Lead and manage the Cumberland Shadow Management Team including the Interim Chief Finance Officer, Interim Monitoring Officer.
3. Lead the development and delivery of the Implementation Plan for the Cumberland Council area, liaising with the County Council and other Shadow Authority to ensure continuity of the delivery of public services on and after 1 April 2023.
4. Build effective working relationships with Elected Members and senior officers within the constituent authorities and national policy makers.
5. Exert influence at the most senior levels across the constituent authorities when necessary to overcome potential barriers/issues to ensure the delivery of the Programme.
6. Represent the Programme in the Cumberland area through a visible presence and be responsible for regular and appropriate communications to constituent authorities, Government, Local MP's and the Department for Levelling Up, Housing and Communities and Local Government regarding the Programme's progress.
7. Establish options for potential operating models for the new Cumberland Council in consultation with the constituent authorities.
8. Where he or she considers it appropriate, prepare a report to the Shadow Authority setting out his or her proposal for:
 - The manner in which the discharge by the Shadow Authorities of their different functions is coordinated
 - The number and grades of staff required for the discharge of these functions
 - Organisation of the Shadow Authority's staff
 - Appointment and proper management of the Shadow Authority's staff

9. Where, during the shadow period, a casual vacancy occurs in the office of councillor for Cumberland area and an election is required to be held in accordance with section 89 of the 1972 Act, to be the returning officer in accordance with article 21(12)(c) of the Cumbria Structural Change Order 2022.

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.

Specialist Knowledge & Experience

- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Substantial experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members, and provide clear advice on policy options.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Track record of operating strategically on corporate projects and policy development.
- The ability to think creatively and innovatively in developing, recommending and leading strategic initiatives and policies to assist in the achievement of organisational goals
- The ability to work corporately and manage resources effectively in a complex environment, including the ability to interpret and understand complex financial and budgetary information, and to negotiate and influence to direct resources
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Demonstrable experience of taking difficult or contentious decisions and the ability to constructively manage conflict
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.
- Experience of influencing Government Departments and Ministers.
- Experience as a Returning Officer

Personal Attributes

- A high degree of political awareness and sensitivity and commitment to working closely with all councillors, local organisations and communities
- Highly developed diplomatic skills, particularly in motivating, negotiating and persuading others outside the span of control, including partner organisations
- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.
- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.

**Interim Chief Finance Officer
Draft Job Description**

Purpose

As a member of the Cumberland Shadow Management Team, being responsible for the budget in Cumberland area, and for developing and delivering the financial aspects of the Implementation Plan for Cumberland area, establishing proper arrangements for the administration of the new Council's financial affairs.

Key Responsibilities

1. Take overall accountability for the financial probity of the Shadow Authority by carrying out the statutory responsibilities under S151 of the Local Government Act for the proper conduct of the Authority's financial activities.
2. Provide the Shadow Executive Committee and Cumberland Shadow Management Team with robust strategic financial analysis and advice on the effective allocation of resources.
3. Ensure the establishment of the new Council's Medium Term Financial Plan and Annual Budget for 2023/24.
4. Ensure that appropriate financial standards and processes for the new Council are in place and operational through the development of the following:
 - The Medium-Term Financial Planning and Budget Setting Process
 - Financial Regulations and Procedures
 - Contract Management Framework
 - Procurement Strategy
 - Risk Management Strategy
 - Treasury Management Strategy
 - Anti-Fraud, Bribery and Corruption Policy
 - Money Laundering Policy
 - The Budget Management Framework
 - Annual Audit Plan
 - Debt Management Strategy
 - Council Tax Benefit Scheme
 - Business Rate Scheme
 - Capital Strategy
 - Corporate Debt Policy

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.
- Membership of a recognised accountancy body specified in s.113 of the Local Government Finance Act 1988.

Specialist Knowledge & Experience

- Extensive experience of managing, setting and monitoring budgets and financial management information, including developing and using management information.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- Understanding of Government Accounting with a demonstrable level of commercial acumen.
- Knowledge of effective and innovative financial planning and controls across a diverse organisation.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.

- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.

**Interim Monitoring Officer
Draft Job Description**

Purpose

As a member of the Cumberland Shadow Management Team, being responsible for the Monitoring Officer responsibilities in Cumberland area.

Key Responsibilities

Take overall accountability for the probity of the Shadow Authority by carrying out the statutory responsibilities as Monitoring Officer, the duties imposed by:

- Subsections (2) and (3) of the section 5 (designation and reports of monitoring officer) of the 1989 Act; and
- Subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer – local authorities operating executive arrangements);

and as follows:

- (a) Decision-making: Ensures all decisions taken by members and officers are lawful.
 - (b) The Constitution: Responsibility for the design, implementation and maintenance of the Council's Constitution including the Full Council Procedural Rules, the schemes of delegation/scrutiny/ and partnership arrangements - in accordance with the requirements of the members, ensuring legal requirements are met.
 - (c) Proper Officer for access to information: Ensures that member decisions (and officer decisions where required), together with the reasons for those decisions (as required) and relevant Officer reports and background papers are properly recorded and made publicly available as soon as possible and retained for public access in accordance with legislative requirements.
 - (d) Provides high level advice and guidance to the Shadow Executive Committee and Cumberland Shadow Management Team Team on the scope of powers and authority to take decisions, maladministration, financial impropriety (in conjunction with the Interim Section 151 Officer), standards and probity and Budget and Policy Framework issues.
5. Responsible for ensuring the appropriate administration of advice to meetings of the Shadow Authority, including the Executive.
 6. Provides 'trouble shooting' expertise to the Shadow Executive Committee and Cumberland Shadow Management Team as necessary where expert knowledge and sound interpretation of democratic processes, statutory guidance and/or Constitution of the Council is vital to the resolution of issues/problems.

7. Lead Officer for the management of the Shadow Authority's Strategic Risk Register, its operational risk registers and ensuring that action to mitigate risk is taken across all services.
8. Lead officer for ensuring that appropriate impact assessments in support of decision-making are prepared and published ensuring that all statutory requirements are met.

Person Specification

Qualifications

- Relevant degree or professional qualification.
- Evidence of work related continuing managerial and professional development.

Specialist Knowledge & Experience

- Extensive experience of providing strategic legal advice to a large and diverse organisation.
- A successful track record in corporate performance management and participation in the formulation of corporate objectives, policies and strategies within a large multi-disciplined organisation with comparable scope, responsibilities, budgets and resources.
- Substantial leadership and managerial experience and skills gained at a senior level, including contributing to the corporate management of an organisation.
- Track record of promoting, leading and managing change.
- Significant experience of successfully working with Elected or Board Members on complex issues, and the ability to work productively and closely with Members and provide clear advice on policy options.
- Track record of operating strategically on corporate projects and policy development.
- Demonstrable experience of partnership working, including the ability to influence and lead corporate and multi-agency projects and initiatives effectively.
- In-depth knowledge and understanding of the statutory, policy, strategic and service delivery framework in which local government operates, and the major issues facing local government.

Personal Attributes

- Actively promotes the need for change and acts as a role model for change.
- Positive, committed, adaptable, robust and confident approach.
- Ability to work under pressure and to motivate others to work quickly, without undue stress, and demonstrate a duty of care.
- Innovative and creative approach to change.

- Personal integrity.
- Drive and self-motivation – “can do” attitude.
- Sound judgement in devising and evaluating options and dealing with complex issues.