

**TO: EXTRAORDINARY COUNCIL
18 MAY 2016**

**ESTABLISHMENT OF AN APPOINTMENT COMMITTEE
(Chief Executive)**

1 PURPOSE OF DECISION

- 1.1 The Director of Children, Young People and Learning has indicated that she intends to retire in the late summer or early autumn of 2016. The Chief Executive and Executive Members have carefully considered the implications of this and whether there is an opportunity to reduce the number of Directors. For the reasons set out in this report, however, they have concluded that the Council does need to appoint a replacement Director. This report therefore seeks to facilitate progress by establishing an Appointment Committee to recruit a new Director of Children, Young People and Learning.

2 RECOMMENDATIONS

The Council is asked to agree:

- 2.1 **That a Committee of the Council of five members (4:1), including at least one Member of the Executive (plus up to two substitute members per group) be appointed, with the following terms of reference:**

“To interview and appoint on behalf of the Council to the post of Director of Children, Young People and Learning”.

- 2.2 **That the nominated Members are to be confirmed.**
- 2.3 **That the substitute Members are to be confirmed.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the appointment process is, in accordance with the Council's Constitution in as timely manner as possibly, whilst recognising the current ambiguity in national policy regarding the role of local authorities in education.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options considered for the post are detailed below, but any recruitment exercise requires the establishment of an appointment committee.

5 SUPPORTING INFORMATION

Options considered for the recruitment

- 5.1 Following the resignation of the Director, Children, Young People and Learning, a close examination of the need for the post was carried out by the Chief Executive

with Executive Members during April. The Director post is responsible for the whole range of functions related to Children, Young People and Learning and for providing strategic leadership to these services. Areas covered include education, schools, special needs, youth service, early years and children's social care. The Director role also has a statutory function: the Children Act 2004 requires every upper tier local authority to appoint a Director of Children's Services, to discharge the education and children's social services functions of the local authority. The specific functions for which the statutory Director must be responsible are set out in the Children Act although, of course, these functions could be merged with other responsibilities.

- 5.2 The timing of the vacancy does present some challenges in that the education service is going through a period of major change at present and, in two to three years time the focus of and need for the post may be quite different. Until 6 May, Members will be aware of the Government's intention to force all schools to become academies by 2022, with the possibility of Multi-Academy Trusts being established in areas to ensure that schools have appropriate support services, including improvement and curriculum advice also emerging. At the same time as this, the Government is undertaking six consultations on radical changes to the funding of schools. The impact of these 'fair funding' consultations would be to reduce funding to the Council for school support by around £1.5M. This will fundamentally alter the way in which support services are delivered. Meanwhile, the Council is delivering a major capital expansion programme to provide school places for all local children, including the first new secondary school the Council has ever provided in Binfield. Members will, of course, also be aware that Children's Social care is due a major Ofsted inspection imminently. The Department clearly needs leadership as it prepares for and then is subject to this inspection, the outcome of which will have a significant impact on the reputation of the Council and its attractiveness as a children's social care employer.
- 5.3 Against this background, on 6 May, the Secretary of State for Education announced that the Government no longer intends to force good or outstanding schools to become academies. Similarly small primary schools will not be forced to change status. Given that the majority of schools in Bracknell Forest are good or outstanding, this reversal of policy does potentially create some confusion. It is likely that further Government statements will be necessary to provide clarity over the coming weeks on the role that local authorities will play. However, the simple fact is that the status quo is no longer a viable solution. The 'fair funding' reductions in itself will drive the academisation process, at least at secondary levels and primary schools will need to source support collectively either through some form of Multi-Academy Trust or by clustering. A further possibility might be to develop a school support and improvement partnership with another local authority whichever model is chosen by schools, however, they will need support and leadership in developing a coherent response that protects the long term interests of young people in the Borough.
- 5.4 In the face of these inevitable changes facing the education service it is essential that the Council retains the capacity to deliver an orderly and coherent transformation of schools and school support services. At the same time, the extent of the changes point to a need to retain flexibility in the longer term. This would suggest some form of temporary arrangement. In the light of this, detailed market research has been done with leading recruitment consultants who all advise very clearly that the Council is unlikely to be successful in trying to recruit to a two year fixed term contract. That would mean any short term appointment would be a traditional 'interim' arrangement at a likely cost in excess of £250,000pa, which is clearly not viable in the current financial climate.

- 5.5 Options to merge the people facing Directorates or to restructure the Council in some other way is a longer term possibility, particularly if and when the Council no longer has responsibility for schools. However, given the scale of immediate school related challenges and the uncertainty about future direction, this is a decision for the longer term as we would simply remove the capacity to address the immediate issues. The evidence of smaller authorities who have followed this approach supports this view, as most who have adopted that model have struggled to maintain performance levels across all 'people' services. Joint services with neighbouring Boroughs are another possibility and one of the options we need to explore. However, at this stage it is not likely that other authorities have the capacity or strength to take over the leadership of local education services and to give the local Bracknell Forest issues the attention required over the next two years of transformation. In the longer term though, some form of merger may be attractive.
- 5.6 In light of these issues and despite the recent changes in national 'policy', the most viable option is to advertise for a permanent replacement for the Director of Children, Young People and Learning to ensure that effective leadership is maintained and to further adapt the structure when the nationally driven education changes have fully played out. Therefore, it is recommended that the Council establishes an Appointment Committee.

Appointment Committee

- 5.7 The Council's Officer Employment Procedure Rules, which form Part 4, Section 12 of the Constitution, deal with the arrangements for the appointment of officers at director and chief officer level. Those rules dictate that if it is proposed that an appointment to a post at this level is not made exclusively from within the Council's existing staff, it must be advertised externally. This is the case with the Director of Children, Young People and Learning if a permanent appointment is decided upon.
- 5.8 The Officer Employment Procedure Rules require that where a committee is to be established for the purposes of making an appointment it should include at least one Member of the Executive. Whilst it is a matter for the political groups to make their own nominations, in this instance it would be appropriate for the Executive Member responsible for Children, Young People and Learning to serve on the Committee. It is also suggested that the Chairman of the Employment Committee be included.
- 5.9 In accordance with standard practice for a Chief Officer post, if the permanent route is selected, the Committee will be responsible for approving the shortlist of candidates prepared by officers and or recruitment consultants, for interviewing those candidates and for making the final appointment. It is suggested that the Committee should comprise five Members and in order to reflect the political balance on the Council, four of these Members would be from the Conservative Group, with the remaining Member the Labour Councillor. Accordingly, nominations have been sought from the Leader and will be announced at the Council meeting.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Treasurer

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee.

Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council's constitution particularly section 12 part 4 and S151 Local Government Act 1972.

Equalities Impact Assessment

- 6.3 The recruitment process will be conducted in accordance with the Council's employment policies.

Strategic Risk Management

- 6.4 Not to recruit to the post would expose the Council to risk as the functions identified in paragraph 5.1 could not be carried out effectively.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Group Leaders regarding composition of the Committee.

Method of Consultation

- 7.2 Discussion and email.

Representations Received

- 7.3 Not applicable

Background Papers

None

Contact for further information

Timothy Wheadon, Chief Executive - 01344 355601

timothy.wheadon@bracknell-forest.gov.uk