

LONDON BOROUGH OF CROYDON

REPORT:	APPOINTMENTS AND DISCIPLINARY COMMITTEE	
DATE OF DECISION:	4th October 2024	
REPORT TITLE:	Appointment to the post of Corporate Director of Children, Young People & Education	
CORPORATE DIRECTOR:	Katherine Kerswell Chief Executive and Head of Paid Service	
LEAD OFFICER:	Katherine Kerswell Chief Executive and Head of Paid Service	
LEAD MEMBER:	All	
AUTHORITY TO TAKE DECISION:	Appointments of staff are a non-executive function of the Council and the Council's established practice is to report all director appointments to Members for decision.	
KEY DECISION?	No	REASON: N/A
CONTAINS EXEMPT INFORMATION?	Yes	Details of the candidate(s) set out in the exempt/Part B Appendix B under paragraph 1 (information relating to any individual) and paragraph 2 (information which is likely to reveal the identity of an individual) and, in all the circumstances, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information for the reasons set out in this report.
WARDS AFFECTED:	N/A	

1 SUMMARY OF REPORT

- 1.1 This report seeks the Committee's approval to agree the salary package and undertake the selection and appointment to the post of Corporate Director of Children, Young People & Education.

2 RECOMMENDATIONS

For the reasons set out in the report Appointments and Disciplinary Committee is recommended to:

- 2.1 Agree the salary package for the post of Corporate Director of Children, Young People & Education Grade 5, £151,131-£160,147 per annum plus special allowance payment to a maximum of £175,000 total annual remuneration. See section 3.3 below
- 2.2 Undertake the selection for and agree an appointment to the post Corporate Director of Children, Young People & Education from the candidate(s) detailed in the Exempt/Part B Appendix B attached to this report.
- 2.3 Note that any appointment will be subject to the appointment notification process set out in section 3.3 of part 4J of the Council's Constitution (Staff Employment Procedure Rules).

3. BACKGROUND AND DETAILS

3.1 Job Purpose:

The **Corporate Director of Children, Young People & Education** will directly lead and manage a portfolio of children and young people's social care and education services, delivering services that improve the outcomes for children and young people, as laid out below in the accountabilities of this post.

As a member of the council's corporate management team, the **Corporate Director of Children, Young People & Education** will work collaboratively with other corporate directors and the chief executive to deliver the Mayor's Business Plan, Future Croydon – the transformation plan and a financially sustainable budget.

The **Corporate Director of Children, Young People & Education** will provide high quality professional advice to the Mayor and Cabinet, the Scrutiny and Overview Committee, the Health and Well-Being Board, the Croydon Safeguarding Partnership and any other external bodies on all matters related to children and young people's social care and education functions of the council. The Role Profile is set out in Appendix A of this report.

The post holder holds the statutory post of Director of Children's Services (DCS) in accordance with the Children's Act 2004.

This post holder is an office holder under the Safeguarding Vulnerable Groups Act 2006 and will be engaged in regulated activity by virtue of undertaking the role and will come within the scope of the Disclosure and Barring Service.

This post holder is designated as the Caldicott Guardian (Department of Health Local Authority Circular (2002)2) and will ensure that the personal information about those who use children's social services is used legally, ethically and appropriately, and that confidentiality is maintained. The Caldicott Guardian acts as "the conscience of the organisation" and ensures the impartiality and independence of their advice.

Localism Act 2011 and Pay Policy

- 3.2** The Appointments & Disciplinary Committee, established at the Annual Council Meeting in May 2022, has delegated responsibility for approving appointments beyond the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance provides that elected Members should be given an opportunity to vote before salary packages upon appointment at, or above, a specified threshold are offered for these purposes, the specified threshold is currently £100,000 as set by Government.
- 3.3** As set out in the Council's Pay Policy Statement, agreed by the Council on 28 February 2024, Corporate Director roles are placed on a grade and salary within the Croydon Chief Officer Grades 4 and 5 following evaluation of their post using the Hay job evaluation scheme with provision for incremental progression to the top spinal point of the grade. The Policy also provides that the salaries will be reviewed in line with national awards as determined by the JNC for Local Authority Chief Officers. The salary scale for the Corporate Director of Children, Young People & Education is Grade 5, £151,131-£160,147 per annum plus special allowance payment to a maximum of £175,000 per year. The Appointments and Disciplinary Committee approved at its meeting of 30 July 2024 the payment of a contractual special occupational scarcity allowance of £14,853 per year for this role given the very competitive market for the role and on the advice of the executive search consultants. This was subject to the council's market supplement market policy being amended to include an occupational skills scarcity allowance. On 11 September 2024 Corporate Management Team, chaired by the Chief Executive also received and approved a report recommending an amendment to the council's market supplement policy, and pay policy statement, to include (where objectively justified) an occupational skills scarcity allowance for very hard to fill roles. It is proposed that the Special Occupational Scarcity Allowance is a permanently applied additional payment, as opposed to a market supplement that is reviewed periodically and can be withdrawn, so as to ensure the council can appoint successfully and based on the advice of the executive search agent.
- 3.4** The amendments to the Pay Policy Statement are being reported to the next available meeting of Full Council for final approval, as this reflects an amendment to the Pay Policy Statement which requires Full Council approval. Once such approval is secured, the council will be able to provide the provision of an occupational skills scarcity payment in its terms and conditions of employment. Under the arrangements set out in the Council's Pay Policy Statement, the Corporate Director of Children, Young People & Education proposed salary package would engage the Committee's discretion in accordance with the delegation to the Committee as set out in the Market Supplement Policy and as set out in recommendation 2.1. Therefore, a decision is required by the Committee to appoint at this pay level.
- 3.5** The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution provide for a notification process to ensure that the Mayor and any other Cabinet Members have no well founded objections to the offer of appointment occurs before an offer of appointment is made to the selected candidate and these requirements will be complied with should members approve the above recommendations

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1** The only option recommended is to appoint on a permanent basis to this critical role given the existing interim fixed-term contract post holder's decision to move into a portfolio career at the end of the year. This will contribute to retaining and maintaining a stable management team crucial for the delivery of children's services.

To employ an interim would be at a substantial cost to the council.

5. CONSULTATION

- 5.1** To ensure a high quality, rigorous recruitment process is undertaken and to satisfy ourselves that we have fully explored the relevant candidate field we are working in partnership with Starfish executive search and selection agents who are conducting full executive search for this role. In addition to the search, we ran an editorial piece with accompanying advertisement in the MJ, 1 August 2024 edition and the recruitment process will include technical interviews and stakeholder events, including a Young People's Panel.

IMPLICATIONS

6.1 FINANCIAL IMPLICATIONS

There are no specific direct financial implications arising from this recruitment as salary costs and the associated on-costs will be met from existing budget within the Children's, Young People & Education directorate.

6.2 Risks

The failure to recruit the right candidate is always a risk and may result in further costs to recruit should this happen. There are broader operational and delivery implications, particularly with savings targets and other directorate responsibilities.

- 6.3** Comments approved by Allister Bannin, Director of Finance (Deputy s151 Officer), 19/09/2024.

6. LEGAL IMPLICATIONS

- 7.1** Under section 112 of the Local Government Act 1972, the Council may appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit. Every appointment of a person to a paid office or employment by the Council is to be made on merit.
- 7.2** Section 112(2A) of the 1972 Act states that the Council's power to appoint officers on such reasonable terms and conditions as the Council thinks fit is subject to section 41 of the Localism Act 2011. Section 41 requires the Council to comply with its Pay Policy Statement for the relevant financial year when making a determination that relates to the remuneration, or other terms and conditions, of a Chief Officer of the Council.

- 7.3** In accordance with the requirements of sections 38 to 43 of the Localism Act 2011 the Council has approved a Pay Policy Statement. This Policy sets out the Council's approach to Pay Policy for 24/25 on the remuneration of its senior officers designated as Chief Officers. It provides that "Corporate Directors and Directors are paid salaries aligned to the Croydon Chief Officer grades, as set out in Appendix 1a, with provision for annual incremental progression to the top of the grade. Salaries are reviewed in line with the national awards, as determined by the JNC for Local Authority Chief Executives and Chief Officers.
- 7.4** The Croydon Chief Officer numeration and grades for 2024/2025 were agreed in the Pay Policy Statement, the top grade is grade 5 with a maximum salary of £160,147. The post of Corporate Director CYPE falls within grade 5. This post is a statutory officer post. Section 18 of the Children's Act 2004 requires the Council to appoint a Director of Children's Services for the purposes of discharging the education and children's social services functions of the Council.
- 7.5** The Council does have a market supplement policy which is referred to in the Pay Policy Statement., As stated in paragraph 3.3 of the report delegated authority was granted by the Committee to the Chief Executive to amend the market supplement policy to make provision for the payment of a special occupational scarcity allowance to Chief Officers in exceptional circumstances where payment can be objectively justified. As the market supplement policy has now been amended, if the Committee considers there are exceptional circumstances for payment of such an allowance to be made, this would be compliant with the requirements set out in the Council's Pay Policy Statement. The Pay Policy statement makes provision for a market supplement to be paid up to 10% of base pay and 205 in exceptional cases. The proposed payment of additional remuneration for the Director of CYPE falls within the limit set out in the Pay Policy Statement.
- 7.6** Any in year revisions to the Council's Pay Policy Statement is a function reserved to Full Council. Full Council's approval of the Pay Policy Statement.
- 7.7** The function of appointment of a member of staff below deputy chief officer level must be discharged by the Head of Paid Service or by an officer nominated by the Head of Paid Service. Appointment decisions concerning more senior officers can be made by officers or Members subject to statutory requirements, Council rules and established practices. The post of Corporate Director CYPE is a Chief Officer position.
- 7.7** Statutory Guidance ("Openness and accountability in local pay") issued under section 40 of the Localism Act 2011, which the Council must have regard to when preparing and approving its pay policy statement provides: "full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set.
- 7.8** The Council's pay policy statement provides that "The Appointments and Disciplinary Committee has delegated responsibility for approving appointments and decisions

about remuneration packages for new appointments of £100,000 or more per year in accordance with the Localism Act 2011.”

7.9 Staff Employment Procedure Rules at Part 4.J of the Constitution provides for a notification process to ensure that the Mayor and any other Cabinet Members have no material or well-founded objections to the offer of appointment and this process must take place before an offer of appointment can be made.

7.10 *Approved by:* Principal Lawyer Corporate Law & Litigation for and on behalf of Stephen Lawrence-Orumwense the Director Legal Services and Monitoring Officer
Date: 26 September 2024.

8. EQUALITIES IMPLICATIONS

8.1 The posts are senior posts within the Council, therefore post holders will have due regard to the Public Sector Equality Duties (PSED) as detailed:

- (i) Eliminate unlawful discrimination, harassment and victimisation
- (ii) advance equality of opportunity between people who share a protected characteristic and those who don't.
- (iii) foster or encourage good relations between people who share a protected characteristic and those who don't.

8.2 Senior members of staff are also responsible for the deliverables of the Equality Strategy 2020 -2024 within their service area. This includes: ensuring that every strategy, delivery plan and staff appraisal has an equality objective linked to it.

8.3 As a member of the management team, the post holder will also have responsibility for the implementation of the Equality Strategy 2020- 2026 which includes the standards of the Chief Executive for London Council's Tackling Racial Injustice programme. This includes ensuring that both equality and race have measurable actions on personal development plans for the post holder.

8.4 The post holder will be requested to share equality monitoring data when in post.

8.5 Comments approved by: Ken Orlukwu, Senior Equalities Officer Date:

9. HUMAN RESOURCES IMPLICATIONS

9.1 There are no additional human resources impacts.

9.2 Comments approved by Dean Shoesmith, Chief People Officer Date: 19/9/2024

CONTACT OFFICER: Katie Wallace, Head of Recruitment

10. APPENDICES TO THIS REPORT

Appendix 1: Role Profile

Exempt/Part B Appendices

Appendix 2: Candidates CVs

BACKGROUND DOCUMENTS: none