

**Open Report on behalf of Councillor M J Hill, OBE, Chairman of the
Appointments Committee**

Report to:	County Council
Date:	11 December 2019
Subject:	Appointment to the Post of Chief Executive

Summary:

This Report sets out the process followed by the Appointments Committee in recruiting to the post of Chief Executive and recommends the appointment of a successful candidate and that a conditional offer of employment is made to the successful candidate.

The Report also recommends that from the date the successful candidate takes up office they be designated as the Council's Head of Paid Service and Director of Children's Services and appointed as Returning Officer, and that the necessary constitutional changes take effect.

Recommendation(s):

That the Council, on the recommendation of the Appointments Committee:-

- 1 Approves the appointment of Debbie Barnes OBE to the post of Chief Executive with effect from 1 January 2020;
- 2 Approves the making of an offer of employment as Chief Executive to Debbie Barnes OBE
- 3 Approves, from and including 1 January 2020 that:-
 - (a) the Chief Executive be designated as the Head of Paid Service;
 - (b) the Chief Executive be appointed as Returning Officer for County Council by-elections;
 - (c) the Chief Executive undertake the role of the Council's statutory Director of Children's Services; and
 - (d) The amendments to the Council's Constitution attached at Appendix B take effect.

1. Background

Introduction

- 1 The Council has been pursuing a recruitment process to identify a new Chief Executive. This process has been undertaken by the Appointments Committee which has delegated authority to appoint to the post of Chief Executive.
- 2 However, where an appointment is made to a post which is to be designated as the head of the authority's paid service, the full Council must approve that appointment before an offer of appointment is made to that person. This is set out in paragraph 2.3 of the Officer Employment Procedure Rules in Part 4 of the Council's Constitution.
- 3 As the post of Chief Executive is traditionally designated as the Head of Paid Service and that is the intention moving forward the appointment proposed by the Appointments Committee requires approval of the full Council to enable an offer of employment to be made and this Report recommends a candidate for approval.

Recruitment process

- 4 At its meeting on 25 October 2019 the Committee approved a process and timescale for a recruitment process to appoint to the vacant post of Chief Executive.
- 2 That process in general terms consisted of:-
 - Adverts placed online in the Guardian, Times, Jobs Go Public and Total Jobs. This was supplemented with promotional activity via LinkedIn channels.
 - Use of dedicated pages on the Council's new website including role information and background documentation.
 - Pre-screen calls with applicants to understand current position, interest in the role and background information.
- 3 The closing date for receipt of applications was midnight on Thursday 14 November 2019 and the Council received 21 applications.
- 4 At its meeting on 25 November 2019, the Committee resolved to invite a shortlist of three of the candidates to the final round of interviews and assessments.
- 5 The final round of interviews and assessments, took place on 3 and 4 December 2019. All members of the Committee were involved in the scoring of the candidates against the assessment criteria in at least one of the interviews and assessments. The results of that evaluation process were collated and moderated with all the members of the Committee and a successful candidate identified.

- 6 At a meeting of the Committee on 4 December 2019 the Committee unanimously resolved to recommend Debbie Barnes to the full Council for appointment to the post of Chief Executive. Appendix A contains a description of the qualifications and experience of the candidate proposed for appointment.
- 7 However, because of the information available to the Committee in making its final decision to recommend appointment, the Committee's decision was subject to:-
- a) Receipt of satisfactory references;
 - b) There being no well-founded objection by the Executive to the appointment pursuant to paragraph 2.6 of the Officer Employment Procedure Rules; and
 - c) satisfactory evidence has been received from the candidate that if the offer of employment were to be approved by the Council it is likely to be accepted.

Authority was delegated to the Executive Director - Resources in consultation with the Leader of the Council as Chairman of the Committee to determine whether conditions a) and c) was fulfilled.

- 8 By way of explanation of the condition at paragraph 7b) above, paragraph 2.6 of the Officer Employment Procedure Rules in Part 4 of the Council's Constitution states that no appointment can be made to the post of Chief Executive and Head of Paid Service unless every member of the Executive has been notified of:
- (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer may be made by the Leader of the Council on behalf of the Executive.

The appointment cannot then proceed unless

- (a) the Leader of the Council has, within the period specified in the notice notified the appointor that neither he nor any other member of the Executive has any objection to the making of the offer;
- (b) no objection is received within the specified period from the Leader of the Council; or
- (c) an objection is made by the Leader of the Council within the specified period but the Committee is satisfied that the objection is not material or is not well-founded;

A deadline of 1.00pm on Thursday 5 December 2019 was given for notification of any objection by a member of the Executive.

- 9 In respect of the conditions set out in paragraph 7:-
- a) satisfactory references have been received;
 - b) no objection has been made by any member of the Executive to the appointment; and

- c) satisfactory evidence has been received from the candidate that if the offer of employment were to be approved by the Council it is likely to be accepted.
- 10 The conditions attaching to the Appointments Committee's recommendation have therefore been met and the Appointments Committee recommends that Debbie Barnes OBE be appointed to the post of Chief Executive and that the full Council approve such appointment and approve the making of an offer of employment to the candidate.
- 11 As the recommended candidate is an existing officer of the Council there are no further conditions that need to be placed on the offer of employment and it is recommended that on acceptance the appointment takes effect from 1 January 2020.
- 12 At its meeting on 14 December 2018, full Council designated the Executive Director of Children's Services as the Council's Head of Paid Service and appointed her as the Returning Officer.
- 13 On the taking up of office of a new Chief Executive these arrangements will need to be addressed. The new Chief Executive will need to be designated as Head of Paid Service and appointed as the Returning Officer.
- 14 The new recommended Chief Executive is the Council's existing Executive Director for Children's Services and statutory Director of Children's Services under section 18 of the Children Act 2004. Guidance issued under section 18 does exceptionally permit the Chief Executive also to fulfil the function of statutory Director of Children's Services as a temporary measure whilst the Council actively takes steps to fill a vacant Director of Children's Services post and an alternative interim Director of Children's Services appointment is not considered appropriate
- 15 At its meeting on 4 December 2019 the Appointments Committee resolved to commence a recruitment process for a replacement Executive Director of Children's Services and delegated authority to the Executive Director – Resources in consultation with the Leader of the Council to determine the process and take all steps up to but not including shortlisting.
- 16 This will ensure that any period during which the new Chief Executive combines that role with the statutory Director of Children's Services role will be limited. Under existing arrangements the statutory role of Director of Children's Services role has been combined with that of Head of Paid Service and this has ensured, along with robust delegation to two Assistant Directors, that there has been continuity in the arrangements governing Children's Services. In those circumstances it is considered that an interim appointment to Director of Children's Services would potentially disrupt these arrangements and impact adversely on the management of Children's Services.
- 17 It is therefore recommended that the Chief Executive fulfil both that role and the statutory role of Director of Children's Services pending a permanent appointment being made to the Executive Director of Children's Services post.

18 Certain constitutional changes are required as a consequence of these recommendations. The necessary constitutional changes are attached at Appendix B to this Report.

2. Legal Issues:

Equality Act 2010

19 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

20 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

21 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

22 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

23 Compliance with the duties in section 149 may involve treating some persons more favourably than others

24 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The recruitment has been conducted in accordance with the Council's policies and a rigorously designed assessment and evaluation process which ensures that all applicants are treated equally regardless of protected characteristics.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS).

- 25 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no direct implications of the decision for the JSNA or JHWS.

Crime and Disorder

- 26 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no direct implications of the decision for crime and disorder.

2. Conclusion

- 27 The Council has undertaken a comprehensive and rigorous process for the recruitment of a replacement Chief Executive who will also be the Council's Head of Paid Service. This process has been undertaken by the Appointments Committee which has delegated authority to make appointments to the post of Chief Executive subject to full Council approval.
- 28 The Council is recommended by the Appointments Committee to approve the appointment of Debbie Barnes OBE to the post of Chief Executive and the making of an offer of employment to the said candidate.
- 29 The Report also makes proposals as to the designation of the Council's Head of Paid Service and Director of Children's Services and the appointment of the Returning Officer and consequential changes to a number of constitutional provisions.

3. Legal Comments:

The Appointments Committee has delegated authority to make appointments to the post of Chief Executive subject to full Council approval. The Report sets out the process that the Committee has followed in identifying a successful candidate and recommends to full Council approval to the appointment of that candidate.

The approval of the candidate is reserved to full Council on the grounds set out in the Report.

The Council must designate one of its officers as Head of Paid Service and appoint an officer as Director of Children's Services. It must also appoint a Returning Officer. The recommendations in the Report will enable the Council to comply with these requirements and make the necessary constitutional changes.

The designation of the Head of Paid Service the appointment of the Returning Officer and approving changes to the Council's Constitution are reserved to the full Council.

4. Resource Comments:

There are no additional budget implications arising from the recommendations within this report

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

All members of the Executive have been notified of the proposed appointment under paragraph 2.6 of the Officer Employment Procedure Rules of the Constitution as described in the Report and no objection has been received.

c) Scrutiny Comments

This decision has not been the subject of prior scrutiny

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

See the body of the Report

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Details of Candidate
Appendix B	Changes to the Constitution

7. Background Papers

No Background Papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this Report.

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