

EMPLOYMENT CONDITIONS COMMITTEE: 17 OCTOBER 2016

REPORT OF CHIEF EXECUTIVE

ASSISTANT DIRECTOR – CHILDREN’S SERVICES

Appendix 1 to this report is not for publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (descriptions of Exempt Information: Wales)

Reason for this Report

1. The Employment Conditions Committee of 5 November 2012 recommended the terms and conditions of the senior management structure of the Council at Tier 1 and 2. As part of this the salary for Assistant Directors was set at £80,000 which has since risen to £82,416 due to national pay awards.
2. Following the Council decision, the Assistant Director roles have been advertised and in the main recruited to.
3. The role of Assistant Director – Children’s Services has been advertised on a number of occasions but there has been no success in recruitment on a permanent basis. Therefore this report sets out recommendations with regard to this role.

Background

4. The role of Assistant Director – Children’s Services has been advertised on 4 separate occasions with very limited numbers of applicants being taken past the application process. On the fourth occasion an offer was made but this was rejected due to the successful applicant’s family not being able to relocate.

Date of advertisement	Numbers of applications at longlisting stage
2 October 2013	3 Applications
7 August 2014	8 Applications
25 May 2015	3 Applications
27 January 2016	4 Applications

The role is currently being undertaken by an individual procured through the interim market.

5. The Council’s Pay Policy for 2016/17 which was agreed at Council on 24th March 2016 included a paragraph relating to market supplements.

Market supplements – all employees

It is recognised that there will be exceptional occasions where the market rate for certain key jobs is higher than that provided for by the new pay and grading structure. In these circumstances, the grading of the post will be reviewed in accordance with the new Market Supplement Scheme agreed as part of the Council's single status package. The scheme is applicable to all those covered by the green book, Craft employees, JNC for Chief Officers, JNC for Youth & Community Workers and those on Soulbury terms and conditions.

6. An assessment was made by Hays in August 2016 regarding the market rates for Assistant Directors – Children's Services which has shown the median salary for Assistant Director Children's Services in Local Government to be £84,111 per annum, with an upper quartile figure being £96,209 per annum.

The assessment also commented on the breadth of the role within Cardiff, in that it reports to the Director of Social Services and acts as an inline deputy with accountability for managing all of the Council's Children's Social Services functions. It was concluded that the role was likely to require a greater range of experience than most roles at this level.

7. The structures of the senior management within Children's Services have evolved since the original job was graded. Therefore consideration has been given as to whether the role should be submitted for re-evaluation. However this process has been rejected on the basis that there is significant senior support at OM level within the service and also that this would have implications for other Assistant Director roles within the Council.
8. A number of discussions have been undertaken by the Director of Social Services with regard to collaborative arrangements with other neighbouring authorities. However these discussions have been unsuccessful as within all authorities difficulties are being experienced in the recruitment of officers at senior levels within Children's services and greater demands are being placed on those in post. Consideration has also been given to the interim market. However this will not assist in providing the stability which comes from the appointment of a permanent Assistant Director.
9. The need for stability within the Leadership team for Children's Services was recognised within a number of CSSIW reports including The National Inspection Safeguarding and Care Planning of Looked After Children and Care Leavers, who exhibit 'vulnerable or risky behaviours' May 2014, Performance Evaluation Report 2013-14, October 2014 and Inspection of Children's Services in the City of Cardiff Council, February 2016. This is further reinforced in the report from Graham Williams on behalf of the Independent Support Team titled "Providing leadership for Social Services for Children and Families in Cardiff" which is Appendix 2 to this report.

Options available

10. Two options have been considered. Option 1 is to continue in the interim market. However this is an extremely costly option ranging from £143,000 per annum to £196,000 per annum and potentially does not provide any stability of leadership for the service.
11. Option 2 is to apply a market supplement to the role. An amount of between 1% and 30% of annual pay can be applied as a supplement. This would take the annual salary including supplement to between £83,240 and £107,141 per annum. A supplement of 15% (£94,778 per annum before employer on costs) would be a reasonable figure to be applied as this is within the scope of the market rates for the role. The supplement would be applied from the date of appointment. This supplement would be a temporary payment from the commencement of the employment contract and would be reviewed after a period of 12 months to determine whether it should continue to be applied. Any candidates applying for the role would be clearly advised that the supplement is a temporary arrangement.

Review

12. The Market Supplement policy requires that the Market Supplement be reviewed every 12 months, in consultation with the Trade Unions. The review requires an up to date assessment of the business need and an up to date analysis of the market data. This leads on to a recommendation by the Director for the role concerned. It is recommended that the review at 12 months is carried out and a decision is taken by the Chief Executive in consultation with the Cabinet Members for Corporate Services and Performance and Children's Services and Trade Unions on whether the market supplement is preserved, decreased or removed. Should the review recommend any increase in the percentage rate paid, this would be referred back to this Committee.

Consultation

13. The Trade Unions were consulted on this proposal by the Chief Executive on the 11th October 2016 and they did not support the proposal.

Reasons for Recommendations

14. To ensure that the overall salary of the role of Assistant Director – Children's Services is competitive within the employment market in order to enable a successful recruitment.

Legal Implications

15. The Assistant Director – Children's Services is a Deputy Chief Officer for the purposes of this Committee's terms of reference. Within its terms of reference the Committee may determine the terms and conditions of employment of such officers.

16. Contractual documentation relating to the employment of the Assistant Director – Children’s Services would have to make it clear that any market supplement approved by the Committee would only be paid for the first twelve months of employment, and that thereafter the remuneration would revert to base salary unless otherwise agreed.
17. In order to avoid difficulties under Equal Pay legislation the Council must justify the use of any market supplement by showing that the market has been tested and that it has been unable to recruit to the post of Assistant Director – Children’s Services at the current salary level. This is considered to be the case but it is important that the situation is reviewed at twelve month intervals in order to establish whether the business need and market data have changed.

Financial Implications

18. The report recommends that a market supplement of 15% be approved for a 12 month period from the date of appointment at which point it would be subject to review. The additional annual cost of the supplement would be £12,362 plus on-costs amounting to a total cost of £16,730. Although additional budget provision will be required to fund the market supplement the overall cost is lower than the anticipated cost of an interim and lower than the current cost of the existing arrangements within Children’s Services.

HR Implications

19. This report contains significant HR implications which will need to be managed in accordance with the Market Supplement Policy and the details within the body of this report.

RECOMMENDATIONS

It is recommended that the Employment Conditions Committee:

1. note the issues raised within this report;
2. approve the market supplement for the post of Assistant Director – Children’s Services at a level of 15% for a 12 month period from the date of appointment;
3. approve the review process for this market supplement as outlined in paragraph 12 of this report.

PAUL ORDERS

Chief Executive
11 October 2016

The following appendices are attached:

Appendix 1: Exempt Information - Remuneration for the Assistant Director of Children's Services – Cardiff Council August 2016 - Hay Group Report

Appendix 2: Providing Leadership for the Social Services for Children and Families in Cardiff

Report by Graham Williams on behalf of the Independent Support Team (IST)
July 2016

Background Papers

Remuneration for the Assistant Director of Children's Services – Cardiff Council
November 2014, Hay Group Report

National Inspection Safeguarding and Care Planning of Looked After Children and Care Leavers, who exhibit 'vulnerable or risky behaviours' Inspection of City of Cardiff Council – May 2014 – CSSIW

Performance Evaluation Report 2013-14 – The City of Cardiff Social Services –
October 2014 – CSSIW

Inspection of Children's Services in the City of Cardiff Council – February 2016 -
CSSIW