Item: 6

Special General Meeting of the Council: 19 December 2019.

Chief Officer and Service Manager Recruitment Process.

Report by Chief Executive.

1. Purpose of Report

To consider a revised policy for the appointment of Chief Officers, including membership of appointment panels and selection procedures to be followed by the panels.

2. Recommendations

The Council is invited to note:

2.1.

That the Council's Recruitment and Selection Policy was last reviewed in 2016.

2.2.

That feedback from a recent recruitment exercise, together with vacancies at Chief Officer level, provided an opportunity to review the appointments process for Chief Officers, including membership of appointment panels and selection procedures.

It is recommended:

2.3.

That the composition of appointment panels for the recruitment of the Chief Executive, Executive Director, Head of Service and Service Manager posts, as set out in section 4.10 of this report, be approved.

2.4.

That decisions on appointments for the Chief Executive and Executive Directors should follow a secret ballot process, conducted in successive rounds until a two-thirds majority of those present and entitled to vote, is secured.

2.5.

That a general policy of obtaining feedback appointment panels from a preliminary professional officer interview panel, chaired by the Chief Executive, and a stakeholder/peer appraisal panel, through candidate presentation and panel question and answer sessions, for Executive Director and Heads of Service posts be adopted.

2.6.

That, if approved, the Council's Recruitment and Selection Policy be amended to reflect the recommendations at paragraphs 2.3 to 2.5 above.

2.7.

That, if approved, powers be delegated to the Chief Executive to amend and publish the Council's Standing Orders and Scheme of Administration to reflect the decisions taken to amend the recruitment processes at paragraphs 2.3 to 2.6 above.

3. Background

3.1.

It is for each Council to determine its own policy process for the recruitment of chief officers and senior managers. The Council last reviewed its processes for the recruitment of Chief Officers in 2016 when approving a new Recruitment and Selection Policy.

3.2.

Elected Members' experience and their feedback from the most recent executive director appointment process in August 2019 creates the opportunity for the Council to re-examine its appointment practices and move to what might be considered as a more progressive model for making senior appointments.

3.3.

It is also important to note that further recruitment of Chief Officers is necessary as a result of promotion within the Council and a resignation at Chief Officer level. In addition, the Council's corporate management structure was last reviewed in 2011 to 2012 and a further review will be required in early course.

3.4.

It has been previously argued by the Scottish Branch of SOLACE (Society of Local Authority Chief Executives) in a paper entitled "Improving Governance in Scotland's Councils – The Role of Elected Members and the Role of the Chief Executive" that where the Chief Executive had no input to the appointment of certain posts for so-called Proper Officers (Chief Financial Officer, Monitoring Officer, Chief Social Work Officer) then accountability of the Chief Executive could be diluted: this would be particularly true where an appointment was made of a candidate in which the Chief Executive did not have any confidence.

4. Proposals

4.1.

It is entirely appropriate for the Chief Executive, as the Head of Paid Service, to be appointed by all Members of the Council at the final stage of the recruitment process. The Council's Chief Executive must be able to skilfully operate and command

presence in Council. Therefore, it is important that the final stage of the Chief Executive recruitment process is an interview comprising a presentation and a question and answer session conducted by the full Council.

4.2.

Thereafter, it is proposed that the final decision on the appointment of the Chief Executive follows a process of selection by secret ballot, with the chair of the panel moving through successive ballots (when required) which eliminate the candidate(s) with the lowest number of votes until a two-thirds majority of those present and entitled to vote, is secured.

4.3.

For the next level in the structure, the appointment of Executive Directors, it is less appropriate for the whole Council to be involved. However, it remains important that Elected Members are fully involved in the final determination. It is proposed that, for each Executive Director post, the final panel will comprise of six Members of the Council, including the Leader, the Chair and Vice Chair of the relevant Service Committee and the Chief Executive, all with equal voting rights by process of secret ballot, as detailed in section 4.2 above.

4.4.

At Head of Service level, there is a weaker case for Elected Member control, as these posts generally concentrate on both service delivery as well as policy and strategy. Nonetheless, there are elements of policy development which are part and parcel of senior management, so some Member involvement is logical. Likewise, for a less senior position, a smaller appointments panel would seem appropriate.

4.5.

Therefore, with respect to the Head of Service posts, the appointment panel should comprise:

- The Chief Executive.
- The Executive Director who is line manager.
- One other Executive Director as agreed by Senior Management Team.
- Three members of the Council including the Chair and Vice Chair of the relevant Service Committee.
- Head of HR and Performance.
- An External Advisor where it is deemed beneficial.

In this case, all panel members with the exception of the Head of HR and Performance and the External Advisor, will have a vote. The Chief Executive will have the casting vote.

4.6.

For mainstream Council staff posts below Head of Service, all appointments would be dealt with by management with no member input. This reflects the fact that these posts are operational and have little policy input and committee involvement. If Members are supportive of this policy, then the recruitment process would have a clearly defined boundary between governance and management.

4.7.

In all cases, a Human Resources representative of an appropriate level of seniority will be in attendance to ensure the recruitment is conducted in accordance with good practice.

4.8.

Where Members have representation on recruitment panels, this should be in accordance with the principle of political balance if applicable and gender balance where practicable.

4.9.

Consultation with Members has been undertaken on the broad thrust of the proposals in this paper which suggests a general acceptance of the principles involved.

4.10.

The table below summarises the proposals in this report.

Level of Post	Panel Chair	Plus Members	Officers
Chief Executive	Council Convener	All other elected Members (Full Council).	Independent External Advisor. Head of HR and Performance.
Executive Directors	Council Leader	5 Members of Council, including Chair and Vice Chair of the relevant Service Committee.	Chief Executive. Independent External Advisor. Head of HR and Performance.
Heads of Service	Chief Executive	3 Members of Council, including Chair and Vice Chair of the relevant Service Committee.	Chief Executive. Executive Director (Line Manager). One other Executive Director selected by Senior Management Team.

Level of Post	Panel Chair	Plus Members	Officers
			Head of HR and Performance.
Service Managers (3rd Tier)	Executive Director	No	Executive Director. Head of Service (Line Manager). Senior HR Advisor.

HR – Human Resources.

4.11.

The Chief Executive will facilitate agreement with all members on the final membership of the appointments panel.

4.12.

It is proposed that powers be delegated to the Chief Executive to amend and publish the Council's Standing Orders and Scheme of Administration to reflect the decisions taken to amend the recruitment processes.

5. Corporate Governance

This report relates to governance and procedural issues. However, ensuring that appropriate arrangements for the recruitment of chief officers and senior managers are in place is critical in ensuring that progress on improved outcomes for communities, as outlined in the Council Plan and the Local Outcomes Improvement Plan, continues to be driven.

6. Financial Implications

Apart from the nominal cost of securing independent advisors to support recruitment panels, the proposals within this report in themselves do not have any financial implications.

7. Legal Aspects

There are no legal implications arising from this report.

8. Contact Officer

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