

EMPLOYMENT COMMITTEE	4
3 September 2014	PUBLIC REPORT

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PROPOSED JOB DESCRIPTION: DIRECTOR OF PUBLIC HEALTH, DETERMINATION OF SALARY AND APPOINTMENT TO POST

RECOMMENDATIONS
From: Executive Director Adult Social Care, Health and Wellbeing
<p>Employment Committee is recommended to:</p> <ol style="list-style-type: none"> (1) Agree the proposed job description and person specification for the post of Director of Public Health as set out in Appendix 1; (2) Interview and appoint, if appropriate, to this role. (3) Adopt NHS Terms and Conditions for this role for the reasons set out in Section 5 of the report; (4) Determine the appropriate salary for this post having regard to the factors set out in Section 6 of the report.

1.0 ORIGIN OF REPORT

- 1.1 This report follows the senior management restructure paper submitted to Employment Committee on 11th October 2013, by the Chief Executive regarding the new Senior Management structure at Peterborough City Council. The restructure paper included the proposal to create an Adult Social Care, Health and Wellbeing Directorate, and to amalgamate Public Health and Adult Social Care Services in to one directorate.
- 1.2 In combining the Adult Social Care and Public Health functions this created an opportunity to bring together the domains of Public Health, Health Improvement and Health Protection, with Adult Social Care, and to recognise the strong Public Health contribution to Adult Social Care outcomes. This post is crucial because it carries health protection responsibilities for all our citizens in areas such as communicable disease outbreaks, infection control, immunisation and screening.

- 1.3 Following the appointment to the post of Executive Director of Adult Social Care, Health and Wellbeing it is essential for the delivery of the Council's Public Health agenda that we recruit to the Director of Public Health post.
- 1.4 As the Health and Social Care Act 2013 sets out the responsibility for the appointment to the post of Director of Public Health is shared jointly with the Secretary of State, acting through Public Health England. It should be noted that there is a level of independent scrutiny. Such scrutiny needs to be applied to both the approval of the job description and, going forward, to the recruitment process (including assessment of any potential candidate's skills, knowledge and experience to undertake the role).
- 1.5 The recruitment process required the agreement of Public Health England to the advert. It was agreed by Public Health England that Peterborough could market the job, enabling recruitment to go ahead as 'competitive'. Therefore the job has been advertised without quoting a pay band.
- 1.6 The reference to Director of Public Health in this Committee Report is to a medically qualified Director with medical/clinical responsibilities. Both the Director of Public Health and Consultant roles are statutory functions.

2.0 PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Employment Committee with the opportunity to ensure that the post of Director of Public Health has a job description, which accurately reflects the work undertaken and the standards expected of the post holder, and to ensure that the post is properly recruited to.
- 2.2 This report is for the Committee to consider under its Terms of reference:
- 2.3 No. 2.3.1.1 'to appoint Directors and Heads of Service, and determine terms and conditions of employment.
- 2.4 No. 2.3.1.5 'to consider, and recommend appropriate actions where necessary in response to executive proposals relating to: (a) changes within a Department's/Division's structure which involve substantial changes in the responsibilities of first and second tier posts.
- 2.5 No. 2.3.1.6 'To promote and pursue a policy of equal opportunities in employment'.

3.0 TIMESCALE

Is this a Major Policy item/Statutory Plan?	No	If Yes, date for relevant Cabinet Meeting	N/A
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4.0 JOB DESCRIPTION

4.1 Process for Creating Job Descriptions

- 4.2 The job description for the post of Director of Public Health was written by the Executive Director Adult Social Care, Health and Wellbeing, working in conjunction with Public Health England, and supported by the Human Resources team.

- 4.3 The Faculty of Public Health template job description was used to write the job description which is recommended by Public Health England and the Faculty of Public Health. This means that the job description differs from the standard Council job description template. The faculty of Public Health require the contents of the job description to comply with the key competencies and accountabilities for Director level posts nationally. Inclusion of the key competencies and accountabilities ensures that the strict standards required to obtain approval from Public Health England and the Faculty of Public Health are satisfied. In addition the job description describes the specific requirements of the role in the Council.
- 4.4 The job description has been reviewed and approved by Dr. Rashmi Shukla, CBE, Regional Director Midland and East at Public Health England. Acting on behalf of the Secretary of State, Dr. Shukla has provided assurance that the job description covers all necessary areas of professional and technical competence, in compliance with the Health and Social Care Act 2013.
- 4.5 In addition, the job description has been reviewed and approved by the Chief Executive and shared with the relevant portfolio holder, in accordance with Part 3 Section 2.3.3.11 of the Constitution, before being submitted for approval to Employment Committee.
- 4.6 Please refer to **Appendix 1** for the draft job description for the Director of Public Health post.
- 4.7 The Job description in Appendix 1 will not be finalised until it is agreed by the Employment Committee, and any suggested changes are implemented. However, should Employment Committee request any changes to the job description, then the job description will need to be reviewed by Public Health England and the Faculty of Public Health. The candidates will also have to be notified of any change to the advertised post and job description and they will form a view as to whether this will impact their decision to continue with their application. In order to take forward the extensive Public Health agenda, it was recognized that we needed to go out to advert urgently to fill the post, and to gain Employment Committee agreement to the proposed job description and person specification at the selection and appointment stage.
- 4.8 The job description for the Director of Public Health role outlines that the candidate needs to be trained and experienced in all areas of Public Health practice and registered as a Public Health Specialist with the General Medical Council (GMC) or another appropriate regulatory body and be accountable to them for their professional practice including ethical standards.
- 4.9 The Director of Public Health is required to have a broad understanding of all the factors that contribute to health, including the structure of healthcare systems and services, current government policy and how to interpret data effectively. They need to be skilled at evaluating evidence to devise and implement strategies for improving and protecting health, and health services. They must be able to work on multiple projects at the same time, and be able to respond to emergencies.

5.0 Terms and Conditions

- 5.1 Local authorities across the country are experiencing significant difficulties in recruiting to senior public health roles. The reason for this appears to be two-fold. First there is only a small pool of prospective candidates for these roles and frequently local authorities are competing with each other for these candidates. Secondly NHS terms and conditions are more favourable than those in local government which relate to pay, sick pay, annual leave and the NHS pension scheme. The terms and conditions also include an on-call allowance as consultants are required to be on-call.

- 5.2 The Local Government Association (LGA) is aware of these difficulties and has issued guidance to local authorities on how to address these issues. The guidance advises local authorities to recruit to these roles on NHS terms and conditions because the prospective candidates will already be employed on NHS terms and conditions and will be reluctant to move to new favourable terms and conditions in the Council. It is also self-evident that the majority of public health staff are employed in the NHS so there is not a pool of candidates in local authorities from which this Council can draw candidates.
- 5.3 It is recommended that the Council adopts the LGA's guidance which follows the route taken by many other Councils in the recent past to ensure that the Council can recruit to this critical post.

6.0 PAY

- 6.1 The LGA advice on pay is different to that on terms and conditions. The advice is that the posts should be graded in accordance with the Councils pay policy. The reason for this difference is to ensure that the pay element of the job accords with the Councils pay policy to avoid potential equal pay claims from other employees in the Council. The next series of paragraphs therefore sets out a methodology in accordance with the Councils pay policy for committee to follow in setting the pay for this role.
- 6.2 Employment Committee has already determined pay grades and salaries for senior managers at its meeting on 11th October 2013. The Director of Public Health role falls within this determination and so this role has been evaluated and placed within a pay band as set out below.

Post Title	Hay Point Score	Pay Band	Median +10%	50 th Percentile (Median)	Median -10%
Director of Public Health	954	Pay Band 5	£90,135	£81,941	£73,747

From Senior Management pay scale **Appendix 2**

- 6.3 The usual practice of Employment Committee is to decide where to position the salary for this role which in this case would be between £73,747 to £90,135. The Director has taken advice from the Councils HR Department and from the recruitment consultants acting for the Council about the competitiveness of the pay in this pay band in the current market. She has then advised that there are two factors in the 'market' which have a bearing on the salary for this post. First there is the NHS 'market' and the pay offered to equivalent Directors in the NHS and secondly the 'market' in local authorities who have been recruiting to these posts and the salaries those authorities have been setting. The evidence produced from examining these two markets is the pay scale in Band 5 is, in some cases, considerably below what the market is paying.

- 6.4 In these circumstances the LGA advises Councils to consider paying a market supplement to address this discrepancy. Evidence of the two 'markets' are set out in **Appendix 3** (exempt) which show the recent pay awards from other local authorities for this role as well as the equivalent pay range that candidates will be paid in the NHS. The table in Appendix 3 (exempt) makes reference to Clinical Excellence Award Payments in relation to candidate one. These awards recognize and reward NHS Consultants and academic GPs who perform 'over and above' the standard expected of their role, and who have professional credibility and are established in their field. Non-medical Public Health Specialists are not eligible for these awards.
- 6.5 The Council's policies allow market supplements to be paid, provided there is proper evidence to support this. In addition if there is sufficient evidence and a market supplement is paid based on that evidence, then the Council will be able to defend any equal pay claims which may arise.
- 6.6 Committee is therefore asked to consider the above and to award a salary based on the pay band awarded to this role through a proper evaluation process and decide whether a market supplement should be paid.

7.0 CONSULTATION

- 7.1 The Director of Public Health post is vacant within the Adult Social Care, Health and Wellbeing Directorate. They are important and necessary posts and therefore the Authority needs to ensure that the recruitment takes place to provide permanent incumbents, who can fulfil the requirements of the role. The Director of Public Health post is currently being filled on an interim bases.
- 7.2 Consultation is not required in relation to recruitment to this post however, the Chief Executive undertook consultation with Trade Unions and affected staff regarding the Senior Management restructure. Such consultation included the creation of the Adult Social Care, Health and Wellbeing Directorate, and the location of the post of Director of Public Health within this Directorate.

8.0 ANTICIPATED OUTCOMES

- 8.1 The Council will have a detailed job description in place for the post of Director of Public Health. This clearly defines the scope of the role and the associated responsibilities, as well as the knowledge, skills and experience required on the part of the post holder to successfully perform in the role.
- 8.2 The Council can be reassured that the job description for the Director of Public Health post meets the rigorous requirements of the Health and Social Care Act 2013 and has been approved by Public Health England on behalf of the Secretary of State.
- 8.3 A robust assessment centre has been developed. This includes a Stake Holder Exercise, Technical Interview, and Panel Interview to test the prospective candidate's knowledge, skills and competence against the requirements of the role.
- 8.4 That the Employment Committee will interview, and if there is a suitable candidate appoint to the post of Director of Public Health, and in doing so secures the leadership required to deliver the Adult Social Care, Health and Wellbeing objectives, particularly in relation to Public Health.

8.5 That the Employment Committee will determine the Pay Level in Band 5 and when actual candidate Terms and Conditions verified with the candidate, agree the final salary.

9.0 REASONS FOR RECOMMENDATIONS

9.1 These proposed changes are to ensure the Council operates within frameworks that are lawful, best practice, transparent and consistent.

10.0 ALTERNATIVE OPTIONS CONSIDERED

10.1 Consideration was given as to a joint Director of Public Health post, and discussions took place with neighbouring Authorities. However, after considerable discussion this was not deemed feasible. The need to deliver the demanding agenda on Public Health meant that neighbouring Authorities were not willing to share their Director of Public Health role.

11.0 IMPLICATIONS

11.1 Finance

11.2 The budget for this post, which was originally based on an assumption of 0.6fte is £90,720, including on-cost. The cost of both candidates would be in excess of the budget available, based on Senior Manager Pay Band 5 plus supplements. The cost of Candidate 1, including on-cost, would be £147,485, which would be an additional £56,765 over budget. The cost of Candidate 2, including on-cost, would be £125,000, which is £34,280 over budget. These increases in cost need to be seen in the context that the budget was set on the basis that the appointment would be on a part-time basis (0.6fte) and the appointment is now proposed on a full time basis. Whichever candidate is selected this can be partly covered by the expected grading of the Public Health consultant post, which is expected to be below that budgeted. Any residual amount, which needs to be found, will be covered elsewhere within the Adult Social Care Health & Wellbeing budget.

11.3 Legal

11.4 As outlined in this report, it was deemed necessary to have medical knowledge and this requirement was reflected in the job description and person specification.

11.5 Due to evidence gathered through the benchmarking information, it is unlikely that this authority would be able to recruit a Director of Public Health on Local Government Terms and Conditions. By referring to job advertisements and keeping an audit trail of the evidence obtained, according to the LGA guidance, this should provide a defence to any potential equal pay claims.

12.0 BACKGROUND DOCUMENTS

12.1 Used to prepare the report, in accordance with the Local Government (Access to Information) Act 1985.

12.2 Local Government Association in conjunction with Public Health England, Faculty of Public Health, and the Association of Directors of Public Health – “Public Health in the 21st Century: Organising and managing multidisciplinary teams in a local government context”.

12.3 NHS Terms and Conditions – “Director Terms and Conditions pre-2003”. “Director Terms and Conditions 2003”. “Pay and Conditions Circular (M & D) 2/2014 – This Pay & Conditions circular informs employers of the pay arrangements for staff covered by the national Medical and Dental Terms and Conditions of service, which apply between 1 April 2014 and 31 March 2015 only”. “Agenda for Change Terms and Conditions”.

APPENDICES

- 1 – Director of Public Health Job Description.
- 2 – Senior Management Pay Scales.
- 3 – Benchmarking Information.

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