

**BRISTOL CITY COUNCIL**

**HR COMMITTEE**

**27<sup>th</sup> February 2014**

**Report of:** Richard Billingham, Service Director HR

**Title:** Terms and conditions for the post of Service Director: Public Health

**Ward:** N/A

**Officer Presenting Report:** Mark Williams, People Business Partner

**Contact Telephone Number:** 0117 92 21359

**RECOMMENDATION**

The HR committee is asked to:

- 1) Agree that the Service Director: Public Health should be a JNC Chief Officer post.
- 2) Note that the grade for the post will HAY Q £81,098 to £89,205.
- 3) Approve the advertisement of the post with a market supplement capped at a maximum of £20,795 per annum which will be reviewed after three years.
- 4) That, if a supplement is required, the Selection Committee will set the level which will not exceed £20,795 per annum.

**Summary**

This paper seeks the Committee's approval to establish the post as a JNC Chief Officer post and advertise the vacant post with the option of a market supplement of up to £20,795 per annum.

**The significant issues in the report are:**

- The salary grade for the Service Director: Public Health will be £81,098 to £89,205 per annum.
- A market supplement is proposed to attract high calibre candidates to the role
- It is possible that a suitably qualified and experienced Director of Public Health may be recruited without a market supplement.
- It is recognised that the probable requirement to use a supplement places the potential maximum salary for the successful candidate above the top of Hay Grade Q (which is the grade of all other Service Directors across the Council, except those in the Executive Office). However, for the reasons set out in this paper, this is considered to be an evidence-based and justifiable decision.

## Policy

1. This paper relates directly to Bristol City Council's Pay Policy, which explicitly states under Section 5.5:

“Authority to award, revise or discontinue market supplements:

- HR Committee for 1st & 2nd tier posts
- **A Selection Committee and the “Head of Paid Service”, for 1st or 2nd tier posts, upon the advice of a recruitment adviser acting for the Council regarding appointments at senior management level (Such decisions will be reported to the HR Committee thereafter, for ongoing monitoring and review).**
- Head of Paid Service & Service Director: HR and OD for all posts at 3rd tier level and below”

## Consultation

### 2. Internal

City Director  
 Strategic Director: Neighbourhoods  
 Service Director – Human Resources and OD.  
 People Business Partner - Neighbourhoods  
 Recruitment and Selection team

### 3. External

South West Regional Director - Public Health England.

### 4. Context

- 4.1. Following the departure of the substantive Director of Public Health in December 2013, the post has been filled on an interim basis by the Deputy Director of Public Health who leaves at the end of March 2014.
- 4.2. Bristol City Council faces major challenges over the next three years. Ensuring that strong leadership of Public Health is in place is therefore crucial to improving the Health and Well Being of citizens and young people.
- 4.3. The previous substantive post-holder transferred to the Council from NHS Bristol in April 2013 on an NHS Consultant Contract on a salary package of circa £120,000 per annum. Following the recent re-organisation of the Council, the post has become a Service Director level post and evaluated

and at Hay Q, along with the majority of the Service Director posts. It is not considered appropriate to have different pay and grading arrangements for Service Director: Public Health i.e. an NHS contract.

- 4.4. Directors of Public Health are recruited from either a NHS medically qualified consultant grade, which is £75,249 to £101,451 or through an academic non-medically consultant qualified route on a salary range of £65,922 - £81,618.
- 4.5. As this is a senior role, requiring sufficient experience to have influence over public health policy in the city, it is likely that any medically qualified consultants meeting the requirements of the role would already be towards the higher end of the pay range quoted above.
- 4.6. In order to attract the best possible field of candidates, we have been advised by Public Health England that a salary of up to £110,000 per annum is required. Whether a salary of this level is required will depend on the candidate appointed and whether they come from a medically qualified route. If a suitably qualified and experienced candidate is selected from a non-medical route, then a supplement may not be necessary.
- 4.7. It should be noted that a recruitment agency are not being used to recruit to this post. Public Health England will assist with the appointment and will ensure that the successful candidate satisfies the national professional standards for a Public Health Director.

## **5. Proposal**

- 5.1. It is proposed that Members of the HR Committee approve the JNC Chief Officer pay, grading and terms and conditions for the role.
- 5.2. The Committee are asked approve the use of a market supplement capped at a maximum of £20,795 and agree that the Selection Committee will determine with a supplement is required and the level up to the cap.

## **6. Other Options Considered**

- 6.1. The option of advertising at the standard HAY Grade Q was considered. However, this was discounted on the basis that it will not be possible to attract high calibre candidates at this salary range. This was also the advice of the Regional Director for Public Health England.
- 6.2. The option of offering a higher substantive grade to this post was considered, but discounted on the grounds that it would break the existing grade structure, which would both create inconsistency across the Service Director population, and potentially expose the Local Authority to Equal Pay claims.

## **7. Risk Assessment**

If this proposal is not ratified, there is a high risk that Bristol City Council will not be able to appoint to the key post of Service Director – Public Health (holding the statutory Director of Public Health position). This will result in a lack of strong leadership in Public Health.

## **Public Sector Equality Duties**

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.
- 8b) We are legally obliged to ensure that we are not in breach of Equal Pay Regulations. The application of market pay supplements is being provided for a particular post where objective justification for the decision is clear given the unsuccessful recruitment exercise.

On-going monitoring will need to be undertaken to ensure that we are not open to any claim for equal pay.

## **Legal and Resource Implications**

### **Legal**

The recommendation in the report is in accordance with the Council’s Pay Policy. It is a requirement that the Market Supplement is regularly reviewed in accordance with the Policy to ensure it continues to be objectively justified and to limit any risk arising from its application.

### **Legal advice provided by Employment Solicitor**

### **Financial**

**(a) Revenue**

*The revenue costs will be from the General Fund.*

**(b) Capital**

*There are no capital consequences arising from this report.*

**Shahida Nasim, Finance Business Partner**  
**12<sup>th</sup> February 2014**

**Land**

Not applicable

**Personnel**

There are no further Human Resources implications other than those outlined in this paper. The People Business Partner, in conjunction with the Service Director – Human Resources, will continue to provide Human Resources advice throughout this process, and specialist recruitment advice will continue to be sought as necessary.

**Personnel advice provided by Mark Williams, People Business Partner**

**Appendices:**

**None**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background Papers:**

None