

# COUNCIL

## 8 May 2024

### RECRUITMENT TO THE POST OF DIRECTOR OF EDUCATION, CHILDREN & FAMILY SERVICES (AND STATUTORY CHIEF EDUCATION OFFICER.)

**Purpose:** To conform with the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014

#### Recommendations / key decisions required:

- County Council approves the enclosed Job Profile and Person Specification.
- County Council approves the proposed interim arrangements be implemented, should they be required.

#### Reasons:

- To comply with the Authority's Constitution, and to comply with the revisions to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as set out in the enclosed summary report.
- To ensure that the Council has a statutory Chief Education Officer in place to cover the statutory and constitutional roles as set out in Article 3.2 of the Council's Constitution

Cabinet Decision Required - NO

Council Decision Required - YES

#### CABINET MEMBER PORTFOLIO HOLDER:

Councillor P Hughes, (Organisation and Workforce)

Councillor Glynog Davies ( Education & Welsh Language)

Directorate: Chief Executive's

Name of Head of Service:  
Paul Thomas

Report Author: Paul Thomas

Designations:

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## EXECUTIVE SUMMARY



## **Recruitment to the post of post of Director of Education, Children & Family Services (and statutory Chief Education Officer).**

### **Background**

The current Director of Education, Children & Family Services will be retiring from the Council with effect from 31<sup>st</sup> October 2024. The Council therefore needs to approve the arrangements to appoint a new Director of Education, Children & Family Services that incorporates the statutory role of Chief Education Officer.

The Job Profile and Person Specification have been amended to reflect changes to some of the corporate portfolios, and these changes have been reflected in the formulation of the new Job Profile & Person Specification for the incoming Director of Education, Children & Family Services.

The post of Chief Education Officer is a designated statutory post under S.532 of the Education Act 1996, and as such this imposes a duty on this Council to appoint an officer as its Chief Education Officer. This is a statutory post whose responsibilities are specifically outlined in Article 3.2 (Scheme of Delegation) of the Council's Constitution. ( See Appendix A).

Currently, the Director of Education, Children & Family Services holds this statutory function, and this duty is included in the enclosed Job Profile and Person Specification for the Director of Education, Children & Family Services.

The Education Act 1996 states " *The duties of a local authority in Wales under the Local Government Act 1972 with respect to the appointment of officers shall ( without prejudice to the generality of the provision of that Act) include the duty of appointing a fit person to be the chief education officer of the authority.*" It should be noted that there is no requirement in Law to require a qualified Teacher to fulfil this statutory duty, however this qualification requirement is included as a desirable criterion.

Additionally, in discussions with the Corporate Safeguarding Officers Group, we now include the following statement in every standard Job Profile template: "*Safeguarding is everyone's business. All of us have a responsibility for protecting*

*children and adults at risk, working in a way that promotes and supports their best interests and for reporting any concerns.”*

The appointment to a Chief Officer post where the salary is £100,000 or more, is governed by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014. This is reflected in the Authority’s Pay Policy for 2023/24. Under the 2014 Regulations, where an authority proposes to appoint a chief officer and it is proposed to pay the chief officer annual remuneration of £100,000 or more, the post must be publicly advertised. The only exception to this requirement is where annual remuneration for a chief officer role is £100,000 or more and the proposed appointment is to be made for a period of no longer than 12 months. This exception will be useful in emergencies or if there were unforeseen departures. The requirement for public advertisement is intended to ensure that able candidates from outside the organisation have the opportunity to gain the position if found to be the most suitable.

The Regulations require that a “relevant body” i.e. the County Council:

- (a) “draw up a statement specifying— (i) the duties of the officer concerned, and (ii) any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.”

The recommendations of this report seek to ensure that responsibility for these matters is allocated appropriately, so that during the transitional period until the new Director of Education, Children & Family Services (and statutory Chief Education Officer) takes up the post, the Council can continue to effectively discharge its functions.

### **Temporary Acting-Up arrangements ( if required):**

Should the appointment of the new Director of Education, Children & Family Services not be in place, due to the contractual notice period of the successful candidate, then interim arrangements will be required. County Council is asked to endorse an internal expressions of interest exercise be undertaken to seek

applications from qualified individuals who have the relevant experience, if required.

**Proposed Timetable:**

8<sup>th</sup> May 2024: County Council to agree Job Profile - requirement of the Standing Orders Regulations (Wales)

10<sup>th</sup> May –31<sup>st</sup> May 2024: Advertise post

10<sup>th</sup> June 2024: Shortlisting Panel

26<sup>th</sup> June 2024: Assessment Centre

2nd July 2024: Appointments Panel 'A'

**Recommendations:**

It is recommended that County Council:

1. Approves the enclosed Job Profile and Person Specification
2. Approves the proposed interim arrangements be implemented, should they be required, following an expressions of interest exercise to be operational until such time as the new Director of Education, Children & Family Services takes up their position.

**Appendices attached:**

**Appendix A:** Job Profile and Personal Specification for Director of Education & Children's Services.

**Appendix B:** Constitutional responsibilities of the Director of Education & Children's Services.

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul R Thomas, Assistant Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	YES	YES	NONE	NONE

## Policy, Crime & Disorder and Equalities

In accordance with the Council's Constitution and Policy Framework.

## Legal

As above, and also in accordance with the revisions to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.

## Finance

The salary for the Director of Education, Children & Family Services is in accordance with the County Council's agreed 24/25 Pay Policy Statement and is within the current budgeted salary. Any net costs of the recruitment process and interim arrangements will be met from departmental reserves

## Risk Management

Failure to make provision to discharge the functions contained within this role, efficiently and effectively would place the authority at risk. This is a Statutory post.

## Staffing Implications

In accordance with the Council's Constitution and Policy Framework.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul R Thomas, Assistant Chief Executive

<b>1. Scrutiny Committee request for pre-determination</b>	N/A
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- 2. County Council
- 3. Corporate Management
- 4. Local Member(s) - N/A
- 5. Community / Town Council - N/A
- 6. Relevant Partners - N/A
- 7. Staff Side Representatives and other Organisations - N/A

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b>	
Yes	

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**  
  
**THERE ARE NONE**

