

APPOINTMENTS ETC PANEL

3 March 2017

ESTABLISHMENT OF A SALARY BAND FOR NEWLY APPOINTED PUBLIC HEALTH CONSULTANTS

Recommendation

1. The Director of Public Health recommends that the Panel:

- (a) approves the establishment of a new Public Health Consultant salary band, as set out in paragraphs 25 to 30 of this report, specifically to address the issue of determining appropriate reward for this staff group; and**
- (b) approves that this salary band will, in addition to receiving the National Joint Council (NJC) annual pay award, be subject to a triennial review to ensure that reward levels for this staff group maintain a comparable market rate broadly in line with Band 8D salary range in the NHS and authorises the Director of Public Health to implement this.**

Background

- 2. The Health and Social Care Act 2012 moved responsibility for public health back to local government and thereby conferred new duties to local authorities to improve and protect public health. Public Health responsibilities transferred to the Council from the NHS from 1 April 2013. This included the establishment of a ring-fenced Public Health Grant (PHG), certain mandated duties, and the responsibility to appoint a Director of Public Health (DPH) jointly with the Secretary of State for Health.
 - 3. Public Health staff transferred under a Statutory Transfer Order to the Council with effect from 1 April 2013. In line with the relevant legislation, the terms and conditions of those staff who transferred to the Council from the NHS, remain unchanged post transfer. A new Public Health team was duly established, combining a number of staff transferring from the NHS as well as staff already employed by Worcestershire County Council. The team formed part of the new Directorate of Adult Services and Health (DASH).
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4. At an Appointments etc Panel on 10 February 2016 it was agreed that the statutory role of Director of Public Health should be separated from the statutory role of Director of Adult Social Services. Subsequently Council agreed on 12 May 2016 that the Directorate of Public Health should be formed in its own right with effect from 1 July 2016.
5. This proposed separation was to encourage a more Council-wide ambition for public health with a focused approach, to ensure a greater positive impact on the population of Worcestershire both young and old and across other services and outcomes within and outside social care.
6. Following a period from February 2016 onwards whereby Frances Howie acted as Interim DPH, a permanent appointment to the role was confirmed at a jointly attended Panel on 17 August 2016. This joint Panel included the Council Appointments etc Panel of elected members, together with a Public Health England representative, a Faculty representative and a representative from the CCGs. The Panel appointed Frances Howie to the role of DPH, with effect from 1 September 2016.
7. The post was offered to Frances on a 35 hour contract on the Council's terms and conditions with a salary based on Head of Service Band 1 (£78,871 to £86,873) plus a responsibility allowance of 18%. This reward level was approved, given the Director responsibility and with reference to comparative salaries within the Health Service.
8. In November 2016 the DPH led a restructure of the Public Health team as part of a longer term workforce agenda to ensure the workforce would have appropriate levels of capacity and capability and would be able to attract and retain high calibre individuals into public health. The review referenced recommendations from Public Health England (PHE) workforce review as well as findings from the Select Committee on the transfer of Public Health to local authorities.
9. The restructure proposal included a review of structures and reporting lines, the introduction of new and consistent job descriptions, person specifications and roles, the creation of clear levels of accountability and decision-making, the introduction of progressive and interesting career pathways, a framework to enable professional development and supervision as well as ensuring that pay and reward levels were appropriate, broadly in line with the market, and also linked to the Council's pay and grading structures. The proposals were subject to formal consultation with staff and Trade Unions.
10. The proposed restructure was also designed to provide clarity about the role of the Public Health Consultant within the wider structure, enabling its specialist and leadership functions to be delivered in an impactful way internally and externally. On behalf of the local authority, the postholder working with the DPH and other consultant colleagues will lead on improving the health and wellbeing of the residents, as directed by the statutory public health duties placed on local government. Consultants would have direct line management responsibility for Senior Practitioners and be responsible for the overall mentorship and development of the practitioner workforce. This would include developing strategies to embed public health skills in the wider workforce.

11. Following the outcome of consultation it was agreed to proceed with the restructure and review recommendations. This included an agreement that all new recruits/ appointments to posts in Public Health after 1 January 2017, would be offered on the Council's terms and conditions, grades and corresponding salaries.

Reward level for Public Health Consultant

12. In relation to the post of Public Health Consultant, there are currently 2 vacancies which urgently need filling. In 2012/13, consultant capacity was 8 posts (including a full-time DPH post. This has steadily decreased for a number of reasons; the lack of resource at this level is now becoming a real issue and has the potential to have a detrimental impact on the achievement of key outcomes. There are currently 2.6 consultants (including a full-time DPH post.) It is therefore essential to recruit to these posts. The vacancies have been advertised and interviews are scheduled for early March 2017.
13. It is acknowledged however that, due to the known market rate salary levels for these posts, the Council's job evaluation scheme and pay scales do not align to the principle in 12 above. Two of the existing consultants are still on NHS terms and conditions, following their TUPE-like transfer from the NHS.
14. The job description and person specification for the post of Consultant is attached for reference in Appendix 1 and has been approved by the Faculty of Public Health to ensure it meets the expected standards of competence, qualification and experience. All public health consultants have a statutory requirement for professional registration.
15. There are a number of relevant documents and guidance relating to the recruitment and appointment of Public Health Consultants in local government. These have been referenced with regard to this proposal. Broad principles regarding the future workforce are set out in Public Health England (May 2016) Fit for the Future document, as well as within the Select Committee Report (September 2016). These documents state that there is an imperative to ensure that organisations encourage movement of specialist staff across a range of settings within the public health system in order to develop breadth of experience. This recommends that organisations should address any barriers (including reward) to achieving that mobility.
16. In addition there is specific guidance relating to the appointment of Public Health Consultants within the Consultants in Public Health in Local Government and Higher Education Institutions document as well as the Employing Health Specialists in Local Government (2015) document. These documents explicitly refer to the fact that Consultants in public health can be employed by PHE, local authorities, universities or health service bodies, therefore their employment is deemed to be within a single market with expected mobility across these organisations. Local government therefore needs to operate in this market and reflect this in terms of the total reward offer when seeking to recruit consultants.
17. Whilst these reports do not specifically determine reward levels for specialists such as Consultants in local government, it is clearly important that reward packages are broadly comparable between settings in order to encourage mobility. As an employer, the Council needs to be mindful of this in order to ensure it can attract

and retain specialists in public health in order to properly discharge its statutory functions.

18. The Director of Public Health recommends that it is appropriate to align the salary range for newly appointed Consultants to Band 8D of the NHS pay bands (Agenda For Change) set out at Appendix 4. Salaries in this band range from £66582 to £74825 based on a 37.5 hour contract, over a 4 point scale (as at 1 April 2016). The Director of Public Health did consider aligning the salary range to the higher Band 9 NHS pay band, but believes that, in light of regional practice and taking into account financial challenges, the lower scale of Band 8D would be appropriate and would attract suitable candidates.
19. The Council's maximum point and salary within the current main pay scales (for non-chief officer-related positions) is P07 (£61,758 based on a 37 hour contract, £58,416 based on a 35 hour contract), as set out at Appendix 2.
20. The proposed starting salary for a newly appointed Consultant therefore exceeds the maximum of PO7 available within the Council's established payscales for non-Chief officer posts.
21. The salary band for Chief Officer (Band 2) starts at £78,315 based on a 37 hour contract, or £74,078 based on a 35 hour contract) as set out at Appendix 3. However, these consultant posts are not Chief Officer posts and so are not appropriate to be used in any event.
22. The proposed salary range for a newly appointed Consultant therefore falls between the maximum point of PO7 and the first point of Chief Officer Band 2.
23. There is no obvious salary scale within the Council's current pay and grading scheme therefore on which to appoint new Consultants.
24. The Director of Public Health has considered alternative ways to achieve the desired (market) salary range for the post of Consultant, using the Council's existing pay and reward framework, i.e. by the addition of market forces payments or responsibility allowances on top of a substantive grade. However the Council's job analyst has confirmed that the Council's grading scheme cannot determine a substantive grade for this specialist role in Public Health (upon which any additional supplement could then be added).

Introduction of a new salary band

25. It is therefore proposed that a new salary band is established specifically for new Public Health Consultants which appropriately positions the range in line with the market and is broadly in line with NHS salary Band 8D. This would offer a competitive and progressive salary range, support the principle of movement of staff within the wider public health system and therefore enable the Council to attract capable and competent professional specialists to the role.
26. It is therefore proposed that salaries in this new salary band would range from £66582 to £74825 pa (based on 37 hours per week, reduced pro-rata for 35 hours) within a 4 point scale. Any new appointment would normally be offered on a 35 hour

basis, (with salaries pro rata accordingly) in line with the Council policy on new appointments.

27. If Panel agrees the creation of this scale, it is proposed that, once appointed, individuals would be eligible for incremental progression through the scale in line with the terms and conditions of this post, namely based on achievement of expected performance standards as assessed through the annual SRD process and as agreed by their line manager.
28. It is also proposed that this new salary band will receive the National Joint Council (NJC) annual pay award and be subject to a triennial review to ensure that reward levels for this staff group maintain a comparable market rate which is broadly in line with Band 8D salary range in the NHS. It is recommended that the DPH be authorised to keep this under review and implement any changes in accordance with these broad principles.
29. It is important to stress that the process for recruitment and appointment to the post of Consultant in Public Health is set out nationally and follows a standard approach requiring an Appointments Advisory Committee with advice from a Faculty nominated member. The interview, selection and appointment process for these posts is in any event outside of the remit of the Council's Appointments etc Panel since the posts are not chief officer-related.
30. The introduction, however, of a new dedicated salary band for Consultants is a matter for this Panel to determine, based on the recommendations in this paper.

Supporting Information

Attached to this agenda are the following papers:

- Appendix 1 – Job Description and Person Specification for the post of Public Health Consultant
- Appendix 2 – Salary card non chief officer
- Appendix 3- Salary card Chief Officer
- Appendix 4- Agenda for Change Pay Bands

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