

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	2168
Author:	Alison Challenger
Department:	Children and Families
Contact:	James Rhodes (Job Title: Policy, Performance and Insight Manger, Email: james.rhodes@nottinghamcity.gov.uk, Phone: 0115 8765726)
Subject:	Fixed term contract for Public Health Specialist support
Total Value:	approx £45,000 (Type: Revenue)
Decision Being Taken:	<p>To approve approx £45,000 funding to allow backfill to the role of consultant in public health (NB the term consultant in this definition refers to the public health specialist role that forms a part of the overall public health function transferred to local authorities as a result of the health and social care act in 2013)</p> <p>Under delegation 16 in the Constitution, to enable the Director of Public Health to approve the staffing arrangements to deliver this work.</p>
Reasons for the Decision(s)	<p>The role of Director of Public Health is vacant and a consultant/specialist is acting up until this is permanently recruited to. The Council will need to substantively appoint in accordance with recommendations of the Faculty of Public Health for Directors of Public Health; a process that involves external assessors and the wider partnership; a process that may take a number of months before a Director could be in post.</p> <p>In the interim and in order to fulfill the statutory functions of the Council, an interim has been assigned - the decision to be taken is for a fixed term contract to be awarded and funded to enable the continuation of the consultant role during this period.</p>
Other Options Considered:	Another option considered was to manage on the current staffing resource - this was rejected as this would result in an inability to deliver the public health functions required for a range of statutory responsibilities such as the Joint Strategic Needs Assessment, the re-commissioning of public health services and the mandate to provide public health support for NHS commissioning from the Health and Social Care Act.
Background Papers:	None.

Published Works:	None.
Affected Wards:	Citywide
Colleague / Councillor Interests:	The Portfolio Holder for Adults, Health and the Community Sector is dependent on the advice of public health specialists (consultants) to support the decisions needed across a range of public health responsibilities including the Health and Wellbeing Board and associated Joint Health and Wellbeing Strategy.
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	Fear of crime is an indicator in the Public Health Outcomes Framework. There is a public health role in the assessment and commissioning of issues that may have a bearing on crime, for example, substance misuse services and mental public health interventions.
Equality:	EIA not required. Reasons: EIA not needed as there are no changes to services as a result of this decision.
Regard for NHS Constitution:	Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making this decision relating to public health functions, we have properly considered the NHS Constitution where applicable and have taken into account how it can be applied in order to commission services to improve the health of the local community.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	21/09/2015
Advice Sought:	Legal, Finance, Human Resources

Legal Advice:

Legal Observations (employment law)

1. Under Section 7 of the Local Government and Housing Act 1989, any appointment to the proposed post should be made on merit.
2. In the light that the Interim Public Health Consultant will be reporting to the Interim Director of Public Health (a deemed Chief Officer under Section 2(7) of the Local Government and Housing Act 1989), the Interim Public Health Consultant will be deemed to be a deputy chief officer and therefore the appointment will be subject to the well-founded objections process in consultation with members of the Council's Executive (under Schedule 1, Part II, paragraph 5 of the Local Authorities (Standing Orders) (England) Regulations 2001).
3. It is advised that due regard is given to Public Health England's guidance - 'Consultants in Public Health in Local Government and Higher Education Institutions - Guidance on appointing consultants in public health' and that suitable liaison takes place with the Faculty of Public Health, particularly with regard to any proposed adaptations to processes laid out in the guidance taking into account that any appointment will be in an interim and not permanent appointment.

John Bernard-Carlin
Team Leader
Housing, Employment & Education Team
Legal Services Advice provided by John Bernard-Carlin (Team Leader) on 17/08/2015.

Finance Advice:

There is currently provision within the Public Health budget for a consultant post, which is currently vacant. This provision will be used to fund this post of approx £45,000 including on costs.

The Public Health Budget is fully funded from Public Health grant, that is ring fenced for Public Health services. There will be no cost to the MTFP.

The alternative to this would be to employ agency, or a Public Health Consultant on a Consultancy basis which would increase costs. Advice provided by Claire Gavagan (Finance Business Partner (Communities)) on 02/09/2015.

HR Advice:

The arrangements to cover the vacant Director for Public Health role through an internal temporary 'acting up' were approved by ACOS on 7 July 2015, and noted by the Faculty for Public Health, in line with procedure. Therefore, the proposed arrangements to backfill the vacated Public Health Consultant post are supported. It should be noted that any arrangements put in place will need to be on a fixed term basis.

A recruitment process for the permanent appointment to the DPH role will be undertaken at a later stage.

Lynn Robinson
HR Business Partner
17 August 2015 Advice provided by Lynn Robinson (HR Business Partner) on 17/08/2015.

Signatures

Alex Norris (PH for Adults, Health and Community Sector)
SIGNED and Dated: 10/09/2015

Alison Challenger (Director of Public Health (Interim))

SIGNED and Dated: 03/09/2015