

DERBYSHIRE COUNTY COUNCIL

CABINET

24 March 2015

Report of the Director of Public Health

**RECRUITMENT OF PUBLIC HEALTH CONSULTANT
(Health and Communities)**

1. Purpose of the report:

To seek approval to recruit to the vacant Public Health Consultant post on NHS terms and conditions.

2. Information and analysis:

Background

Statutory Responsibilities

Local authorities' statutory responsibilities for public health services are set out in the Health and Social Care Act 2012 (subsequently referred to as the '2012 Act'). The Act conferred new duties on local authorities to improve public health. Section 30 of the 2012 Act requires each upper-tier local authority, acting jointly with the Secretary of State, to appoint a director of public health whose role is integral to the new duties for health improvement and health protection. The Director of Public Health is a Statutory Chief Officer post and every upper tier authority must have someone suitable qualified and professionally registered discharging this role. The responsibilities of Directors of Public Health are set out in the Explanatory Notes to the Act. In order to discharge these responsibilities safely and effectively a competent Consultant workforce is needed to support the Director.

The role and responsibilities of the Consultant workforce

The Consultant workforce is a key leadership component in the public health responsibilities of the council outlined above, their role is highly specialised providing leadership across a broad range of policy areas within the local system to realise ways of making communities and environments healthier. The seniority of the consultant position reflects a requirement that they have a diverse range of skills and abilities and can give leadership to work areas which are challenging, extremely varied and often unpredictable. They are expected be able to provide advice, and

demonstrate the predicted impacts of policy options for politicians and clinicians. They are expected to use their influencing skills to persuade partner organisations to take a population perspective when planning and delivering services.

They provide the leadership and management skills necessary to design, develop and deliver key programmes and projects. The Public Health Consultants have been successful in creating savings for the council of £7m through a process of strategic redesign and re-procuring services and driving out costs from contracts. This has enabled the creation of the Public Health Resource Fund to support the protection of services across the council that deliver public health objectives that were at risk of reduction or removal. This level of skill and expertise is essential for the future of public health in Derbyshire.

An overview of the competencies Consultants have to achieve and maintain

The nature of the role demands that public health consultants have undertaken specialist training laid down by the Faculty of Public Health (FPH). Historically this was a branch of medical training however more recently the consultant workforce has drawn on a wider range of backgrounds. These individuals are required to prove that they have a competence level equivalent to that of a medical applicant, who has completed a GMC, accredited Foundation Programme.

Appointment of consultants is underpinned by a high degree of rigour and transparency, including external professional assessors appointed by the FPH, to advise the Council on eligibility, ensuring only those viewed as fit to practice are appointed to consultant positions. Continued practice is dependent upon completion of external annual professional appraisal, re-validation every five years by Public Health England and satisfactory completion of an annual CPD programme of a minimum of 50 hours which is audited externally.

Structure of the Public Health Service

Cabinet agreed to the reorganisation of the Health and Communities Senior Management structure in December 2014. This restructure reflected a realignment of responsibilities for the public health leadership level and 3 Consultant posts were removed from the structure. This leaves four consultant posts in the structure. One of the consultants left in January creating a vacancy.

There are now 4 teams each led by a Consultant accountable to the Director. Reducing the public health senior team's capacity even further

will jeopardise the safe and effective provision of this statutory function for the council. There is now only one medically qualified consultant: on transfer in 2013 four of the seven Consultants were from a medical background. This gives a much more limited skill mix in relation to the statutory role of providing advice to the NHS. Public health has an important strategic role in the leadership of the medical profession. Public health consultants need to have the same status to NHS consultant colleagues. This view has been endorsed by the LGA, the BMA, the Association of Directors of Public Health and the Faculty of Public Health. The option of selecting the most appropriate candidate is helpful in maintaining a skill mix at this senior level.

Derbyshire County Council now has the smallest per capita Consultant workforce in the East Midlands of 1/187,000. Consultants have a statutory responsibility for advising the four Derbyshire CCG's, maintaining good productive working relationships with all eight district councils and working effectively with departments across the whole council. This is a complex and challenging task given the significant reduction in leadership capacity over the last 18 months.

Transfer to the council

Public Health staff who moved to the Council on 1 April 2013 from the Derbyshire Primary Care Trust were transferred on their existing terms and conditions, which were a mix of NHS "Agenda for Change" and NHS "Consultants".

As part of the formal consultation process prior to transfer, it was agreed by Cabinet, at its meeting on 18 December 2012, that appointments to positions in public health services made after 1 April 2013, would be made on the Derbyshire Package terms and conditions, and in accordance with pay grades determined by the Council's joint Job Evaluation Panel through application of the agreed Hay Scheme.

In addition, the Cabinet noted that a formal measure was taken to apply the provisions of the Council's general policies and procedures to manage the employments of the transferring staff group, as this was at no detriment to the staff.

Recruitment

A number of appointments have been made successfully to a range of posts in the service, though this has not been the case for the recent Consultant vacancy.

The Consultant post was evaluated at Single Status Grade 16; £55,443 - £60,494. It was advertised in the British Medical Journal, on the NHS jobs website and the Derbyshire County Council website during December. There were no applicants for the post. This has left a significant gap in the senior leadership capacity of the team.

Regional and National Recruitment

There were a number of Public Health Consultant vacancies across the region during 2014 which were successfully recruited to by their respective organisations. An overview of national adverts for Consultants shows that the salaries offered were significantly higher than that linked to grade 16 although it is not known if any of these posts were filled. The Appendix summarises these posts

Risks

Applying NHS terms and conditions to the existing Consultant vacancy will increase the chances of a successful appointment significantly and is likely to give the existing Consultants a greater degree of confidence in the council's willingness to retain a competent workforce. There is a risk that they would otherwise seek roles elsewhere in organisations that are offering higher salaries. That would leave the council and Director of Public Health exposed in terms of:-

- risk management for statutory functions ;
- capability to respond to health protection issues ;
- with a lack of resilience to cover for sickness absence, leave etc,
- capacity to maintain a robust public health function which is well led and capable of engaging across the whole council to embed health improvement ;
- succession planning issues of having the ability to provide cover for the Director role and developing future Directors; and
- losing the capacity to train Specialist Registrars due to a lack of Educational Supervisors (a free benefit paid for by Health Education East Midlands)

The proposal to recruit to this Public Health Consultant post on NHS terms is a short-term solution and would not be applied to other vacancies in the service. A full review of the existing structure will be appropriate in time.

3. Human Resources considerations:

As stated above the outcome of the recent Hay evaluation of the Public Health Consultant role was Grade 16 which represents the salary range £55,443 to £60,494.

The NHS remunerates the same job at:

- Agenda for Change Grade 8d, £65,922 to £74,084, (with the possibility of additional annually earned increments giving an upper salary of £81, 618) for a non-medically qualified Consultant; and
- Consultant Grade, £75,249 to £101,451 for medically qualified Consultants. Appointment salary depends upon the number of years completed as a Consultant and there are a range of additional financial supplements, (clinical excellence awards), for which Medical Consultants can apply, ranging from £3k to £75k. Applications for the awards must be externally assessed.

All other vacancies within public health services are being recruited to on grades determined by a joint evaluation panel and Derbyshire Package terms and conditions are being applied.

If NHS provisions are to be applied to Consultant positions the Council will need to seek a Directions Order to be able to offer the NHS Pension Scheme to new appointees.

The Council's general employment policies will apply to Consultants newly appointed, on the same basis that they apply to existing public health transferees.

4. Legal considerations:

Under Section 112 of the Local Government Act 1972 the Council may appoint such officers as it thinks necessary for the proper exercise of its functions on such terms and conditions as are appropriate having regard to the requirement of equity of treatment of its employees.

5. Financial considerations:

The NHS remuneration package is clearly more expensive than the Council's locally assessed equivalent, though the costs can be met from within the public health budget which is already meeting the salary costs for the staff currently in post based on the higher NHS salary scales. Since the Council took over responsibility for Public Health the establishment has been reduced by 3 consultant posts (saving around £300k per annum), - savings which allowed the Council to reduce the impact of some of the budget cuts planned in areas which achieve public health outcomes.

6. Other considerations:

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity, environmental, health, property and transport considerations.

7. Background papers:

Cabinet Report – 18 December 2012 - The Transition of Public Health

8. Key Decision:

No

9. Call-in:

Is it required that call-in be waived for any decision on this report?

No

10. Officer's Recommendations:

1. To approve the recruitment to the current Public Health Consultant vacancy on NHS salary scales, terms and conditions, and the application of either Consultant or Agenda for Change grading and conditions dependent upon the qualification of the preferred candidate;
2. To agree to the Council applying for a Directions Order to enable the new recruit to join the NHS Pension Scheme;
3. To note that a full review of the existing Public Health structure will be undertaken in due course.

Elaine Michel
Director of Public Health

Overview of recent recruitment to Consultant posts at regional and national level

East Midlands position in 2014

There have been a number of successful appointments made to Public Health Consultant posts in the East Midlands in 2014. They were:-

Derby City Council 1 post Agenda for Change Band 8d £66k - £82k and NHS Consultant terms £79k - £102k

Lincolnshire County Council 2 posts SLA £68k - £85k and SLB £79k - £102k

Leicestershire County Council 2 posts Hay Grade 17 £66 - £74k

Public Health England East Midlands Centre 2 posts Agenda for Change Band 8b/NHS Consultant terms £66k - £102k

Nottingham City Council 1 post SLM Grade 2 £66k - £78k and NHS Consultant terms £79k - £102k (interviews in February)

The higher salary ranges relate to medically qualified consultants. This information was obtained through a review of job adverts during the year and verified with the Directors of Public Health for those organisations. They have mainly made the case to maintain NHS equivalent salaries in order to recruit and maintain an accredited Consultant workforce or had salaries graded at a similar level to NHS terms.

Additional information on the national position in 2014

Portsmouth Council – up to £80,398

Camden and Islington Council - £68,475 - £83,331

NHS Greater East Midlands - £75,249 - £101,451

National Institute for Health and Care Excellence (neither Council or NHS) – NHS Consultant pay scale

The table below contains information provided by the Hay User Group also in November 2014

Council	KH	Salary range £	Market supplement	Differentiation medic/non-medic
Brighton & Hove	350	49,362-54,409	25k +	No
East Sussex	400	72,487-79,216	No	No
Essex	400	55,500-85,000	No	No
Hampshire	400	64,380-72,459	Up to 8k	No
Norfolk	400	60,675-67,884 *Non-medical	^	Yes-for medical would employ on NHS Consultant contract & pay
West Sussex	400	58,846-62,894		No

^ awaiting additional information