

LATE ITEM C22/5900 – RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT (REC) (CONFIDENTIAL ATTACHMENT)

Ward : All
 Category : Administration
 Subject Index : Recruitment
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Llewellyn Rogers
 Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

| | | |
|-------------------------------------|------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

LATE ITEM C22/5900 - RECRUITMENT OF THE DIRECTOR COMMUNITY DEVELOPMENT (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- The recruitment and selection process for the Director Community Development has been completed.
- The Council is to consider the Confidential Recruitment Report and to accept or reject the Chief Executive Officer's recommendation for the role of Director Community Development.
- If the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so however, the decision in relation to the appointment still remains with the CEO.

BACKGROUND

The resignation of the Director Community Development was received in November 2021 to be effective from 1 April 2022.

A **Confidential Recruitment and Selection Report** was distributed to Elected Members, under confidential cover on Friday 4 March 2022 prior to the Council Meeting of 15 March 2022.

DETAIL

Gerard Daniels recruitment firm on behalf of the City of Melville advertised for an experienced Community Development leader to join the City in the pursuit of excellence, through open, inclusive and genuine collaboration with its elected representatives, First Nations peoples, staff and the community.

“Leading a diverse and innovative directorate, you will bring your experience managing high performing and dynamic teams to achieve excellent community, organisational and professional outcomes.

Engaging with community groups and organizations, and the wider community, often with complex issues, you will bring a strategic focus to delivering quality customer centric services and the best possible outcomes for the community.

Reporting to the CEO, the Director Community Development is responsible for delivering across four vital areas; Neighbourhood Development including Customer Service, Cultural Services, Neighbourhood Amenity and Healthy Melville.”

The role of Director Community Development was advertised on Seek 22 December 2021 with applications closing 22 January 2022 (extended open time due to Christmas break).

The total compensation package (being inclusive of 10% super) for the position advertised was:

5 year fixed term contract

Base: \$212 799 + 10% = \$234,078

Max: \$241,075 +10% = \$265,182

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The recruitment process has been coordinated by the City's People Services Team. The first part of the recruitment process (advertising and shortlisting) was undertaken by the external recruitment firm Gerard Daniels. Thirty applications were received and 11 applicants were recommended as suitable to interview by Gerard Daniels.

The recruitment panel at the City of Melville, further shortlisted the top four applicants to proceed to interview.

The interviews took place on Friday 18th February 2022. The interview panel consisted of three City of Melville employees: Chief Executive Officer, Director Community Development, Senior Human Resources Business Partner and an independent recruitment consultant from Gerard Daniels. The interview process was followed by completion of due diligence checks of the preferred applicant by the Senior Human Resources Business Partner.

The Recruitment Panel discussed each interviewed applicant, rated their response to each interview question, and assessed whether or not they met the applicable selection criteria.

The Panel's selection report is a confidential attachment and provides details on the recommended applicant.

As the position is a designated Senior Officer position, the *Local Government Act 1995* requires that *"the CEO is to inform the council for each proposal to employ a senior employee and that the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so."*

The recruitment report will remain confidential and a public announcement of the appointment will occur following finalisation of the contract.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40);
- *Equal Opportunity Act 1984*;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Operational Policy OP-003).
- Council Policy CP-026 – Employee Appointments

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Reference is made to the City’s Compliance Audit Return for 2021 and the non-compliance with the Local Government Employees section. The report identifies that the advertisement conducted by the consultant for the position was not conducted in accordance with the Local Government Act and Administration Regulation 18A. The position was advertised on seek and not advertised in other mediums i.e. notice boards and social media.

Whilst the City acknowledges this, it is important to note that the recruitment was conducted by a leading recruitment agency, attracted a high calibre field and that the recommended applicant is a very experienced and capable executive.

The role of Director Community Development is deemed under our Organisational Policy to be a Senior Employee as required by the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that

“The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the maximum total compensation package detailed above.

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|---|-----------------------------|---|
| Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant | Medium level of risk | Broad advertisement of vacancy. Compliance with standard organisational recruitment processes. |

POLICY IMPLICATIONS

Council Policy CP-026 – Employee Appointments, designates the positions that are classified as “Senior Employees”

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In relation to the appointment of 'Employees', the Chief Executive Officer has authority to employ such persons as are necessary to enable the functions of the Local Government to be performed from time to time. This authority is provided in accordance with Section 5.36(1)(b) of the Act and is subject to 5.37(3) of the Act.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

To finalise the recruitment process the Council must formally accept the Chief Executive Officer's recommendation for the role of Director Community Development. It is again noted that the Council can reject the Chief Executive Officer's recommendation, provided reasons for rejection are detailed.

OFFICER RECOMMENDATION (5674)**APPROVAL****That**

- 1 The Council accept the recommendation for the preferred Applicant as contained in Confidential Attachment A for appointment to the position of Director Community Development, in accordance with contract conditions agreed to by the Chief Executive Officer.**
- 2 The Confidential Recruitment and Selection Report to remain confidential and the successful applicant be announced to the public when contract documents are finalised.**