

Board paper

for Open session

Subject:

Extension of Appointment for Temporary Lay Board
Member/Continued Appointment of the Temporary
Board Member as a Member of the People Committee

Board meeting:

28 February 2024

Agenda item:

7

Action:

- For noting
- For discussion
- For decision

Purpose

To consider extending the appointment of the existing temporary lay Board member for a further period of six months.

Recommendations

It is recommended that the Board agrees to extend the appointment of Ms Samantha Peters as a temporary lay Board member from 1 April 2024 to 30 September 2024, subject to section 11.1 of the Board's General Rules.

Annexes

N/A

Author/Key Contact

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1. Open Session

2. Background and Key points

- 2.1. On 31 March 2023, one of the lay Board members stepped down from their role on the Board, which created a vacancy for a permanent lay member of the Board. Noting that the Board had a series of strategy matters and important decisions to make during the remainder of 2023, and that the Department for Levelling Up, Housing and Communities was unlikely to be in a position to commence and complete a recruitment campaign for a replacement Board member for some time, the Board agreed that a temporary appointment should be made in the interim.
- 2.2. At its meeting on 28 March 2023, and following an approved recruitment process, the Board agreed to appoint Samantha Peters as a temporary lay Board member for a period of 12 months with effect from 1 April 2023, subject to section 11.1 of the Board's General Rules, and the appropriate due diligence processes being satisfactorily completed. All of the due diligence processes were completed satisfactorily and Ms Peters took up her position on 1 April 2023.
- 2.3. In addition to this, Ms Peters was appointed as a lay Board member on the People Committee with effect from 1 April 2023. At the March 2023 meeting, the Board noted that Ms Peters' appointment to the People Committee would cease when she ceased to be a member of the Board or Board opted to review the membership of the Committee.
- 2.4. Section 11 of the Board's General Rules state that,

‘pursuant to paragraph 1(3) of Part 1 of the Act the Board may make a temporary appointment of a person to act as a member of the Board in the event of any vacancy (however arising) but that appointment will cease on the earlier of

- a. that person’s resignation or their removal from the Board under Rule 12 or
- b. the relevant vacancy is filled in line with paragraph 1(2) of Part 1 of Schedule 1 of the Act) or
- c. the expiry of a period of one year from the date of the temporary appointment or
- d. the completion by the appointee of the maximum period of membership permitted by paragraph 5(2) of Part I of Schedule I of the Act. 11.2.

The Board may extend the expiry period applying to a temporary appointment for the purposes of Rule 11.1 (c) on not more than two occasions by a period of not more than six months on each occasion.’

2.5 Ms Peters’ current tenure will expire on 31 March 2024. The Department for Levelling Up, Housing and Communities (DLUHC) was unable to commence a recruitment campaign for a permanent Board Member during 2023, but the campaign is due to start in April/May 2024. The recruitment process is likely to take at least six months to complete once it gets underway. As in 2023, the Board has a series of ongoing strategic matters to take forward and important decisions to make during the next six months. It is therefore imperative that the Board has a full complement of members so that it can remain quorate when decisions need to be made.

2.6 As stated under the General Rules, and noting that Ms Peters will have already served an initial 12 months as a temporary Board member by 31 March 2024, the Board may extend a temporary appointment on two further occasions by a maximum period of six months on each occasion.

2.7 Ms Peters participated in the Board’s Annual Performance and Development Review process at the end of 2023. As a result of the review, the Chair of the Board has confirmed that Ms Peters’ is suitable for reappointment. Ms Peters has also confirmed that she is willing to continue serving as an ARB Board member.

2.8 It is therefore recommended that the Board considers extending Ms Peters’ appointment, in line with and subject to section 11.1 of the Board’s General Rules, for a period of six months, i.e., from 1 April 2024 to 30 September 2024. It is also recommended that Ms Peters continues in her role as a member of the People Committee for this period.

3. Resource Implications

3.1 The remuneration for a Board member role is £8,778 per annum, paid in monthly instalments. All Board members' remuneration, including that of any temporary Board members, has been included within the Governance Department's budget for 2024.

4. Risk Implications

4.1 The Board should be properly resourced with membership selected from those who have appropriate skills, expertise and experience to ensure that the ARB's statutory responsibilities and objectives can continue to be fulfilled. Failure to populate the Board appropriately could impact on the Board's ability to deliver its statutory functions. This risk is identified in the corporate risk register and in particular the risk that delays in making a permanent appointment to the Board could impact quoracy and our ability to delivery our corporate strategy. This appointment is specifically designed to mitigate this risk.

4.2 The initial recruitment exercise identified the candidate who has the skills, expertise and experience as set out in the essential competencies for the temporary role; the recent annual performance and development review has identified that the post-holder has developed in their role and continues to possess the relevant skills, expertise and experience needed for the role.

4.3 The Board is asked to note that there is a risk that the recruitment process for the permanent lay Board member vacancy may be impacted by the General Election depending on when the Election is announced and is taking place; no advertising or recruitment will likely take place during purdah, which typically lasts for six weeks prior to an Election. A potential change in Government, and/or a potential change in Ministers is also likely to impact the recruitment process. The main impacts are likely to be a delay to the start of the recruitment process and/or the recruitment process needing to be recommenced if it has not been fully completed before the Election has been called. The Governance Team will continue to work closely with the DLUHC Public Appointments Team to mitigate the risks around this. The Board may however, need to extend the temporary appointment by one further period of six months, which would then take Ms Peter's tenure expiry date to 31 March 2025. Such a decision would need to be made by the Board at its July 2024 meeting if it is needed. Ms Peters must then step down from the temporary role on 31 March 2025 and the tenure cannot be extended further. Should it look likely that no permanent appointment is going to be made until mid-late 2025 or beyond, then the Board may wish to consider running a further recruitment process to find a new temporary lay Board member to fill the vacancy beyond 31 March 2025.

5. Equality and Diversity implications

- 5.1. We undertook a series of steps to ensure that the Temporary Lay Board Member role attracted as wide and diverse a pool of applicants as possible. We made extensive use of all our contacts and networks, as well as those recommended to us by the Department for Levelling Up, Housing and Communities to advertise and promoted the role widely. We will be analysing the impacts of the places where we advertised, which included Evenbreak, Women on Boards, the Equality and Diversity Forum, Gender Matters, the Age Employment Network, In Touch Networks, NEDonBoard and the Association of Chief Executives/Public Chairs Forum amongst others, carefully to determine whether we should continue to use these in future.
- 5.2. We also reviewed the role overview and selection criteria; ran an online information session during the course of the application period so that applicants could learn more about the organisation and its work; offered applicants the opportunity to meet with the Chief Executive & Registrar online, as well as ARB's independent HR consultant in order to prepare for an online interview; and all interviews were run online.
- 5.3. We collect equality and diversity data at each stage of the appointments process and reviewed annually to ensure the appointments process is fair and accessible to as many people as possible.

6. Recommendations

- 6.1. It is recommended that the Board agrees to extend the appointment of Ms Samantha Peters as a temporary lay Board member for 1 April 2024 to 30 September 2024, subject to section 11.1 of the Board's General Rules.