

NOTICE OF MEETING

STAFFING AND REMUNERATION COMMITTEE

Tuesday, 16th March, 2021, 7.00 pm – MS Teams (view it [here](#))

Members: Councillors Dhiren Basu (Chair), Julie Davies (Vice-Chair), Paul Dennison, Yvonne Say and Matt White

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under agenda item 13 below. New items of exempt Urgent Business will be dealt with at agenda item 17 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. MINUTES (PAGES 1 - 8)

To confirm and sign the minutes of the meeting held on 2 February 2021.

7. RECRUITMENT POLICY (PAGES 9 - 20)

Members are asked to consider and approve the updated Recruitment Policy, attached at Appendix A to the report.

8. HR MANAGEMENT RESTRUCTURE IMPLEMENTATION - PROPOSED REDUNDANCY (PAGES 21 - 34)

To approve the compulsory redundancy pay package in accordance with the Council's Pay Policy Statement 2020/21.

9. APPOINTMENT ARRANGEMENTS FOR THE MONITORING OFFICER (PAGES 35 - 102)

This report proposes to amend the Constitution to ensure that members remain responsible for taking steps for the appointment of the Monitoring Officer and to ensure the Monitoring Officer is correctly referred to within the Constitution.

10. HR POLICY REVIEW (PAGES 103 - 110)

To provide the Staffing & Remuneration Committee with an update regarding the rolling review and revision of HR Policies and Practice Notes.

11. UPDATE ON EMPLOYEE ENGAGEMENT DURING THE PANDEMIC (PAGES 111 - 124)

12. REGULARISING THE SENIOR OFFICER PAY SYSTEM (PAGES 125 - 132)

To regularise the pay framework for senior managers with the rest of the workforce, allowing for structured progression and to ensure it is fair and equitable.

13. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted by the Chair under agenda item 3 above.

14. EXCLUSION OF PUBLIC AND PRESS

Item 15 is likely to be subject to a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paragraphs 1, 4.

15. HR SENIOR MANAGEMENT RESTRUCTURE IMPLEMENTATION - PROPOSED REDUNDANCY (PAGES 133 - 134)

To consider exempt information in relation to Agenda Item 8.

16. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any new items of urgent business admitted by the Chair under agenda item 3 above.

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Monday, 08 March 2021

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MINUTES OF THE STAFFING AND REMUNERATION COMMITTEE MEETING HELD ON TUESDAY, 2ND FEBRUARY, 2021, 7.00 - 8.10 pm

PRESENT: Councillor Dhiren Basu (Chair), Councillor Julie Davies (Vice-Chair), Councillor Paul Dennison, and Councillor Yvonne Say.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

Apologies for absence were received from Cllr Matt White.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were no deputations, petitions, presentations, or questions.

6. MINUTES

RESOLVED

That the minutes of the Staffing and Remuneration Committee meeting held on 1 December 2020 and the minutes of the special Staffing and Remuneration Committee meetings held on 9 November 2020 and 7 December 2020 be confirmed and signed as a correct record.

7. PAY POLICY STATEMENT 2021/22

Ian Morgan, Reward Strategy Manager, introduced the report which sought approval for the Pay Policy Statement 2021-22. It was explained that the Council was required to produce an annual Pay Policy Statement to comply with the requirements of the Localism Act 2011. It was explained that the statement set out various provisions, including those relating to the remuneration of the lowest paid employees, payments on termination, and the re-employment of employees. It was noted that, if agreed, the statement would be presented to Council for approval. It was added that the Council had a responsibility to update and publish the Pay Policy Statement as soon as possible.

The Committee noted that, under paragraphs 5.4 - 5.6 of the Pay Policy Statement, the Council employed Educational Psychologists and Education Advisers and Inspectors based on the pay scales recommended by the Soulbury Committee and employed teachers based on the national Teachers Pay and Conditions (TPAC); it was enquired whether this was done in practice and how many people were employed under each category. The Reward Strategy Manager explained that the Council had a number of positions that were based on Soulbury and TPAC but it was noted that some of these could be vacant at any given time and there were only a small number of people in each of the categories.

The Committee noted that the Council could make market allowance payments in certain circumstances, such as where it had proved difficult to fill a post or where there was a skills shortage; it was enquired how market allowance payments were monitored. The Reward Strategy Manager stated that this would be determined by the Reward Strategy Manager, Chief People Officer, and ultimately by the Chief Executive.

It was noted that the Pay Policy Statement included a commitment for the Council to work towards all workers in the supply chain being paid the London Living Wage (LLW) and it was asked how this was monitored. It was explained that the responsibility for ensuring that the Council paid its employees the LLW was overseen by the Reward Strategy Manager and the Payroll Manager and it was confirmed that all employees were paid the LLW. It was noted that ensuring the LLW was paid to workers in the supply chain was largely the responsibility of the Procurement Team, with the Commissioning Team leading on some items. The Chief People Officer explained that, as contracts were renewed, the Procurement Team sought to stipulate payment of the LLW in contracts. It was noted that any questions about this process could be directed to Barry Phelps, Head of Procurement.

RESOLVED

1. To approve the draft Pay Policy Statement 2020/21, attached at Appendix A to the report.
2. To authorise the Director for Customers, Transformation & Resources, after consultation with the Chair of the Committee, to make such amendments to the Pay Policy Statement as considered minor.
3. To remit the Pay Policy Statement for endorsement by Full Council on ~~22nd~~ **18th** March 2021.

8. IMPLEMENTING TRANS EQUALITY POLICY

The Chair introduced the item and highlighted that there was a slightly amended Appendix 2 which had been circulated to the Committee and published on the Council's website. Dan Paul, Chief People Officer, introduced the report and noted that this was the second time that the Trans Equality Policy had been considered by the Committee, the first time being in December 2019. It was explained that the Council had a strong commitment to improve equality and diversity in the workforce

and to create a workforce that was free from bullying, harassment, and discrimination. The Council had committed to being an inclusive employer and undertook Stonewall Workplace Equality Index benchmarking each year; through this, there had been a recurring recommendation to introduce a Trans Equality Policy which was considered best practice across local government.

It was noted that, after consideration by the Committee in 2019, the policy had been amended and a detailed Equalities Impact Assessment (EIA) had been undertaken. The EIA balanced the rights of various protected groups and concluded that the policy would positively impact on protected groups and enhance equality in Haringey. The Chief People Officer explained that the Trans Equality Policy, the practice notes, and the EIA had all been through the detailed policy design and approval process which included consultation with Trade Unions. It was stated that the adoption of the policy was strongly recommended by officers who considered that it would advance equality in the workplace.

Cllr Davies stated that the adoption of a Trans Equality Policy was overdue and that the current proposal was a significant improvement from the version that was presented to the Committee in December 2019. She commented that the operational parts of the policy should be approved, subject to minor amendments. However, Cllr Davies was not satisfied with the list of resources, as policies generally did not include this sort of information and a number of the organisations listed no longer existed, and the glossary, as it contained overly detailed and potentially controversial definitions. She suggested that the Committee should approve the Trans Equality Policy and practice notes, subject to minor amendment, and that officers should investigate whether the list of organisations and glossary needed to be included.

Cllr Say enquired why the Trans Equality Policy was not included within a general equalities policy and noted that she had concerns about some of the wording used in the policy. She stated that the glossary would require regular updates and that some of the organisations in the list of resources no longer existed and some might not be endorsed by the Council. Cllr Say also expressed concerns that the EIA had involved Trade Unions, London Councils Human Resources (HR) Policy Network, and the Legal Team but that it had not involved any women's groups.

The Chief People Officer noted that there were not policies for each protected group but highlighted that Trans people faced unique challenges which merited protection through this specific policy. It was added that, in the past, there had been specific policies in response to particular issues and that these had been adapted or subsumed into other policies as society changed; it was considered important to have a Trans Equality Policy at this point in time. It was added that consultees felt strongly that the practice notes and glossary were required. It was noted that, in the future, it was likely that parts of the policy could be changed or removed. The Chief People Officer acknowledged that this glossary may require more frequent updates but he was happy to commit to reviewing it more regularly if required. It was added that the staff were very clear about the need for a Trans Equality Policy and that, although the Council did not have a women's group, the Trade Unions had been consulted and strongly supported the policy. It was also noted that there had been discussions with Trade Unions about the demand for a women's group and that, if established, this would be supported.

It was enquired whether minor amendments could be made to the Trans Equality Policy. The Chief People Officer explained that the Council had a specific process for policy development; policies were developed by HR with external advice and these were then put out for consultation with Trade Unions and any relevant groups. It was explained that it would not be possible for the Committee to make amendments to the policy which had been widely consulted on as any changes would have to be revisited. The Chief People Officer strongly encouraged the Committee to approve the Trans Equality Policy with the commitment that the practice notes and glossary would be regularly reviewed.

Cllr Dennison supported the introduction of the Trans Equality Policy, practice notes, and glossary but noted that he had some suggestions in relation to the practice notes and enquired whether any of these could be delegated to officers. In relation to the Rights of Trans Staff in section 4.3, it was noted that there were rights to use toilets and changing facilities that aligned with gender identity but it would be useful to add a requirement to provide the relevant facilities. The Chief People Officer explained that there had been specific discussions with the Property and Asset Management Team in relation to changing existing facilities where possible. In addition, there were specific requirements for new facilities to have a lockable private cubicle with a washbasin; it was noted that further detail was included in the EIA.

Cllr Dennison added that, in relation to Documentation in section 4.5, it was acknowledged that there were some limitations relating to the requirements of HMRC but it was enquired whether the Council could amend or remove a person's title on payslips; it was noted that this could be useful for staff in certain situations, such as mortgage applications. In relation to Roles and Responsibilities in section 5, it was noted that all staff would receive training but it was suggested that undertaking the training should be listed as a responsibility for all staff. It was commented that, throughout the document but mainly under Communication in section 4.6, there were references to staff who were transitioning during their employment and it was enquired whether there could be more detail relating to people who were potentially joining or leaving the organisation; it was suggested that applicants for job interviews could be asked for their title or pronouns.

The Chief People Officer stated that he would investigate whether it was possible to make the suggested changes to payslips and that it may be possible to develop the other points. It was noted that the Committee was recommended to delegate minor changes to the Trans Equality Policy and accompanying documents to the Director for Customers, Transformation, and Resources, after consultation with the Chair of the Committee.

Cllr Davies commented that it was important to ensure that no-one was negatively impacted by the policy. She stated that the organisation would need to put arrangements in place to make sure that those who required single sex spaces were listened to and noted concerns that the Council did not have a women's network. It was added that there was scope within the proposed policy for staff to receive significant disciplinary action as a result of a mistake, which was potentially unfair, and that it would be important to support staff to undertake training.

Cllr Davies expressed dissatisfaction that the Committee had been presented with a policy but was unable to make any amendments. She noted that more work was required to improve the glossary and list of resources especially regarding the inclusion and definition of intersex, to include women's groups in the consultation, and to include intersex staff or groups in the consultation. Cllr Davies also noted her surprise that there was no Trans Equality Policy for schools or other workplaces where Council staff were employed and that the Trade Unions had not addressed this. She explained that she supported the policy, subject to rigorous checking, with the caveat that the glossary and list of resources should be referred back to the Committee and that minor amendments were considered.

The Chief People Officer explained that the Council had an agreed process for policy development and it was important to follow this process. It was noted that it was not possible to make substantive changes at this stage but the recommendations proposed that minor amendments to the Trans Equality Policy were delegated to the Director and the Chief People Officer could discuss proposed amendments with members of the Committee; it was highlighted that this only related to minor amendments and not major amendments or deletions. It was added that this had been an emotive issue to consult on, that significant time and resources had been invested into the policy, and that consultees strongly felt that the wording of the policy was important; the Chief People Officer expressed reluctance in making anything other than minor amendments.

The Committee expressed concerns that the Committee was not included in the consultation process for policy development and requested that future policies were circulated to the Committee, formally or informally, before they were presented for final approval. It was also commented that it would be beneficial to clarify the process for suggesting amendments and for any re-consultation.

RESOLVED

1. To approve the Trans Equality Policy ready for implementation with effect from 1st March 2021. To note that staff training on the policy would be incorporated into the Council's wider diversity and inclusion training programme.
2. To authorise the Director for Customers, Transformation & Resources, after consultation with the Chair of the Committee, to make such amendments to the Trans Equality Policy as considered minor.

9. PEOPLE REPORT - DECEMBER 2020

Ian Morgan, Reward Strategy Manager, introduced the report which provided a quarterly update on relevant workforce data in order to support informed, strategic decision making. It was explained that Appendix A to the report presented information relating to the number of staff, composition of the workforce, starters and leavers, and sickness. Appendix B presented a copy of the employment profile which showed some analysis of each directorate and activities relating to recruitment and retention and formal procedures.

It was noted that off payroll interims and consultants should be employed for a short time period and it was enquired whether it was possible to monitor the length of contracts for these individuals. The Reward Strategy Manager explained that no agency worker was engaged for more than three months and that any extensions to this time period were subject to a formal process with Director approval. It was noted that it was challenging to analyse the average length of employment as some workers could undertake multiple assignments or may have a break during an assignment. It was commented that these concerns were known and were taken into account for the insourcing of resourcing.

It was also noted that there had been a marked decrease in sickness rates between June 2020 and December 2020 and it was enquired whether there was a specific cause for this. The Reward Strategy Manager noted that there was likely an impact relating to Covid-19. It was explained that no worker directly or indirectly impacted by Covid-19 should suffer any detriment and some absences had now been categorised in a slightly different way as a Covid-19 related absence. It was added that this information was being tracked and that, if any trends emerged, these would be considered and discussed later in the year.

It was commented that the Committee had received a presentation on the impact of Covid-19 on the general health of employees in June 2020 and it was asked whether this subject had been reassessed. The Chief People Officer noted that continual improvements were being made for employees and this included a new process for ordering equipment for home working and a contract to supply desks for those who needed one. It was noted that a staff survey had not been conducted recently but there had been all staff discussions, including discussions about the future of the workplace after the Covid-19 pandemic. It was suggested that an update report could be brought to the Committee after March 2021.

It was noted that there would be changes to off payroll working rules (IR35) in April 2021 which would require organisations to determine whether there was a genuine case for people being self-employed; this would result in a change to the tax burdens for a number of interims and it was enquired whether the Council was prepared to ensure compliance. The Reward Strategy Manager stated that the Council was prepared for ensuring compliance in relation to IR35. It was noted that the responsibility for the tax bill in cases of pseudo-employment would fall on the Council rather than individuals and there was an awareness of the rules within the wider organisation, including the Chief People Officer, Director of Finance, and Audit Team. The Chief People Officer explained that these rules would be introduced to the private sector in April 2021 but that the rules had applied to the public sector for several years, although there would be a change in the tax burden. It was noted that the Council had established processes and had been making decisions relating to IR35 for some time.

RESOLVED

To note the report.

10. PERFORMANCE RELATED PAY

Dan Paul, Chief People Officer, delivered a brief verbal update; it was explained that the Committee had previously approved the re-linking of senior management annual pay inflationary increases to the national terms and conditions and the national negotiations. It was noted that the current pay structure, which was set up in 2016, was intended to allow for contribution based pay increases for senior management but that this had not occurred. It was explained that the rest of the workforce had received annual increments across the pay structure but this had not happened for senior managers. It was noted that this position was currently under review and the main considerations were that the pay system needed to be fair as well as affordable. Although there was no formal update at present, the issue was being considered by the relevant people, including the Head of Paid Service and Section 151 Officer.

Following a question from the Committee, the Chief People Officer clarified that senior management had received no pay increases other than increases based on inflation. It was noted that there had been no progression through pay scales for senior managers as there had been for the rest of the workforce. It was currently being considered whether progression through senior management pay scales should be linked to performance or contribution.

It was noted that senior managers, such as the Head of Paid Service and Section 151 Officer, were considering how progression might work and it was enquired whether there would be any external or independent input on this policy. The Chief People Officer noted that these considerations were at an early stage and that independent input may be required; it was stated that there were known experts in this area and that it would be important to have advice from someone who was not impacted by the proposed system.

RESOLVED

To note the update.

11. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

12. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting for consideration of items 13-14 as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); para 1; namely information relating to an individual.

13. EXEMPT MINUTES

RESOLVED

That, subject to an amendment, the exempt minutes of the Staffing and Remuneration Committee meeting held on 1 December 2020 be confirmed and signed as a correct

record and that the exempt minutes of the special Staffing and Remuneration Committee meetings held on 9 November 2020 and 7 December 2020 be confirmed and signed as a correct record.

14. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Dhiren Basu

Signed by Chair

Date

Report for: **Staffing and Remuneration Committee**

Title: **Recruitment Policy**

Report

authorised by: Richard Grice - Director for Customers, Transformation & Resources

Lead Officer: Dan Paul, Chief People Officer

Ward(s) affected: **N/A**

Report for Key/

Non Key Decision: **N/A**

1. Describe the issue under consideration

Members are asked to consider the updated Recruitment Policy (attached as Appendix A).

2. Cabinet Member Introduction

Not required for the S&R Committee.

3. Recommendations

That the Committee approve the new Recruitment Policy.

4. Reason for decision

Not applicable.

5. Alternative options considered

Not applicable.

6. Background information

6.1 The Council's ambition is to create a best-in-class in-house recruitment and resourcing solution and the updated recruitment policy will help establish the framework within which this will be created.

6.2 The policy sets out our intentions to match people to jobs and vice versa, as it has been proven that individuals are most comfortable and productive when matched to roles that make the best use of their talents, but also to recruit people who share our organisational values.

6.3 The new policy sets out the selection parameters that will be applied when filling vacancies including fixed-term roles, apprenticeships, internal secondments and redeployees.

- 6.4 The policy has undergone an exhaustive consultation exercise which ensured that all key stakeholders, including the trades union, staff networks and directorate management representatives had an opportunity to comment.
- 6.5 Once the policy has been approved the HR team will arrange training for all hiring managers so that they understand their role and the importance of strict adherence to the principles set out in the policy; not only to protect the Council from challenge but also to enhance our image as an employer of choice.

7. Statutory Officers' comments

7.1 Legal Comments

The Head of Legal and Governance has been consulted in the preparation of this report and confirms that it complies with all relevant legislation.

7.2 Finance Comments

There are no direct financial implications arising from the contents of this report. The cost of training all hiring managers on the policy will be met from existing resources.

7.3 Equalities Comments

The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and people who do not share it;
- A "relevant protected characteristic" is age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Recruitment Policy supports the Council's approach to the recruitment of its staff in a way that is accountable, fair, transparent and free from bias.

8. Use of Appendices

Appendix A – Recruitment Policy

9. Local Government (Access to Information) Act 1985

Not Applicable

Recruitment Policy

March 2021 (version 001)

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1. Vision

We are ambitious for Haringey's future and have great aspirations for the people who live, visit and work here as outlined in our [Borough Plan 2019-23](#). We recognise that it is people who drive our success and that we cannot achieve our ambitions without talented, passionate, and motivated staff. The aims of our policy and practice are to:

- showcase Haringey as an excellent employer.
- maximise opportunities for local people to work for the council.
- provide opportunities for existing Haringey staff.
- use a range of modern sourcing methods including social media and marketing approaches to reflect the changing nature of recruiting talented people.
- put the council's diversity and inclusion agenda at the heart of our recruitment practice, promoting equal and fair treatment throughout our recruitment process.
- use technology to support a great candidate experience, increase efficiency and provide streamlined processes and an easy-to-use system for Recruiting Managers.
- create a recruitment team who offer excellent customer service to Recruiting Managers and candidates.
- introduce a talent pool that will allow Haringey to recruit to positions without a reliance on costly advertising.
- maximise our use of apprenticeship scheme.

2. Aims

The council is always committed to recruiting in line with our values, this means we will be:

2.1 Human – we will ensure our candidates are central to our recruitment process by:

- creating a positive candidate experience.
- streamlining our candidate journey.

Providing clear communication and promoting transparency by:

- developing relationships with candidates to build our talent pool.
- asking our partners and customers what they think and, acting on what they say where possible.
- being aware of our impact on others.
- being honest, supportive, and passionate about difference.

2.2 Ambitious – we will recruit the best person for the role by:

- recruiting for attitude.
- creating accessible pathways for internal candidates to progress.
- proactively addressing discrimination and unconscious bias.
- strategically reducing our skills gaps.
- using a variety of methods to attract a wide range of candidates.
- embracing change and continuously improving our processes.
- maximising opportunities for local people.

- 2.3 Accountable – we will have a transparent and accountable recruitment process by:
- ensuring our process is applied fairly and is clear and accessible.
 - removing any barriers to recruitment and progression.
 - ensuring that our job descriptions are consistent.
 - monitoring and reporting our candidate demographic data to ensure we are supporting equality, diversity, and inclusion.
 - managing public money responsibly.
- 2.4 Professional – we will have a professional recruitment service that adds value by:
- proactively supporting candidates and managers throughout the recruitment process.
 - creating a recruitment service with a great reputation in Haringey.
 - taking pride in what we do and caring about those we engage with.
 - listening to our partners, Recruiting Managers, and candidates to evolve our service and remove barriers.

3. Scope

This policy applies to all roles in the council, except for senior officers who use the [Senior Officer Appointments](#) process.

Recruitment Process

4. Reviewing the vacancy

A vacancy offers a good opportunity for Recruiting Managers to assess the needs of the service and to review the role. Before progressing with the recruitment process, a proactive Recruiting Manager should consider a range of factors in determining current staffing needs – and anticipating what they may be in the future, such as:

- the needs of the organisation
- could you develop existing staff?
- are more staff needed?
- are new skills needed?

In considering if there is a need to recruit, Recruiting Managers should consider why they are hiring, enabling managers to decide the type of role that is needed. Such as:

- Full-time
- Fixed-term or Secondment
- Apprenticeship

The manager should use this to update the role profile using the standard template for job profiles. If there are substantial changes it will be necessary to get the job grade reviewed.

The job specification should focus on the essential requirements for the job which need to be relevant. Irrelevant and unnecessary qualifications and requirements exclude good

candidates and work against our aim of encouraging the widest number of talented people to work for the Council.

4.1 Apprenticeships

We are committed to supporting and developing apprenticeships in the council and Recruiting Managers should consider whether the role could be offered as an apprenticeship before advertising. Apprenticeships provide a variety of benefits to the organisation, including but not limited to:

- an opportunity for us to develop our workforce.
- provide employment and training opportunities that reflect the community we serve.
- address gaps in our workforce.
- develop supervisory / management / mentoring skills.

4.2 Politically Restricted Posts

Some posts at in the council are politically restricted, which means that the individuals holding those posts cannot have any active political role. Local Authorities are under a duty to maintain a list of those posts which are politically restricted, and managers must identify whether a post is politically restricted when reviewing the vacancy.

5. Selection methods

Before advertising, the Recruiting Manager, in consultation with the Recruitment Team, should decide how candidates should apply, who will shortlist applications and the selection method to be used. Deciding this early in the recruitment process helps to ensure objectivity and mitigate any biases that arise after viewing applications.

5.1 Interviewing

Interviews are the primary method used for selecting the best candidate for the role. Interviews may consist of competency-based questions and an additional form of assessment. Advice on interviews should be sought from the Recruitment Team.

5.2 Practical Tests

For some roles, tests may be appropriate. These are often used where it is important to demonstrate practical, technical or specialist skills. However, the choice of tests must directly relate to the role, be transparent and objective. Advice on using tests should be sought from the Recruitment Team.

5.3 Assessment Exercises

On occasion, the council might use assessment exercises in the selection of the right candidate for the role. Recruiting Managers are expected to seek expert advice before using such exercises so that the exercises themselves are relevant and that the approach to structure and scoring is objective. Advice on assessments should be sought from the Recruitment Team.

When making decisions about what assessment methods to use, it is imperative to consider what, if any reasonable adjustments need to be made for candidates with a disability. Advice on reasonable adjustments should be sought from the Recruitment Team.

6. Advertising

6.1 Internal Advertising and Promoting Opportunities to Local People

The council is committed to a transparent and fair process which provides opportunities for existing employees to progress their careers in the council as well as seeking to redeploy displaced staff wherever possible.

In addition, the council wishes to maximise job opportunities for local people.

To achieve these aims, there is an expectation that appropriate vacancies will be advertised internally and through partners both internal and external (e.g., local Job Centres and Haringey Works) who promote opportunities to local people, in advance of being advertised more widely.

There may be circumstances where a Recruiting Manager considers that it is necessary to advertise more widely in the first instance and they should have a clear rationale for reaching this decision.

6.1.1 Secondments

A secondment is an arrangement whereby an employee is temporarily assigned to work for a different part of the organisation for a limited period, after which they return to their substantive role.

The council is committed to supporting the progression and development of employees by enabling them to enhance their skill and gain an insight into other departments within the council. One way this can be achieved is through releasing employees to undertake a secondment opportunity. Internal secondments can also address a short-term need to cover a post.

All fixed-term positions will be offered as internal secondments.

6.1.2 Redeployment

Employees who are seeking redeployment and meet the minimum criteria will be considered first.

6.2 External Advertising

Where the council advertises a role externally, the choice of media/job boards will be based on effectiveness, flexibility of access, ability to reach a diverse group of candidates and cost.

7. Applications

The council has developed application forms which are both accessible and easy for candidates to use on all platforms.

We are committed to best practice approaches and regularly participate in initiatives that promote an accessible and inclusive application process such as:

- Stonewall's Workplace Index.
- The Disability Confident Scheme which commits the council to inclusive and accessible recruitment and offers interviews to disabled people who meet the minimum role criteria.
- Ban the Box initiative to support former offenders to return to employment.
- 'Blind recruitment' to help reduce the potential for bias.
- Reasonable adjustments for candidates with disabilities built into the recruitment process.

8. Shortlisting

Candidates will be shortlisted by matching values, skills, and qualifications, included in the application form against the specification set out in the relevant job profile and advertisement.

Internal, redeployees, and disabled candidates should be invited for interview where they meet the essential criteria of the role.

Recruiting Managers will work with the Recruitment Team to review the shortlist and should document the reasons selection and rejection of a candidate. This is both good practice and enables the council to comply with the relevant employment legislation.

All unsuccessful candidates will be notified of the outcome. Recruiting Managers are expected to give internal candidates the opportunity for feedback to aid their development.

9. Interview

Interviews are a two-way process and can help both the Recruiting Manager and the candidate to assess whether they are the best person for the role. It is important that the Recruiting Manager and interview panel prepare well for interviews and reflect the values of the organisation during the interview.

We are committed to, wherever possible, putting together interview panels which reflect our diverse workforce. Panel members should keep careful records of both responses and the reasons for appointment and rejection.

The expectation is that at least one panel member will have received recent recruitment and selection training.

10. Completing recruitment

10.1 Successful Candidate

The successful candidate should be selected using the scoring method decided earlier in the process. Where two candidates are equally scored following interview or assessment, the Recruiting Manager should take positive action by contacting the recruitment team to appoint a candidate with a protected characteristic which is underrepresented within the grade, role category or service.

The Recruiting Manager may issue a conditional offer, subject to pre-employment checks.

10.2 Unsuccessful Candidates

The council is committed to offering all candidates who are interviewed, feedback on the outcome of their interview.

11. Compliance

11.1 Pre-employment checks

In order to safeguard the public and our customers, the council has adopted a thorough approach to checking candidates. These checks will depend on the role being recruited to and are subject to the prevailing legislation, including, but not limited to:

- checking the right to work in the UK.
- safeguarding checks in line with safer recruitment practices, including Disclosure and Barring Service (DBS).
- references.
- proof of qualifications.

Any checks must be lawful, necessary, and fair, and comply with the General Data Protection Regulation.

11.2 Health Checks

Health checks will be carried out following selection to determine whether the candidate can carry out a function essential to the role, e.g., eyesight tests for employees for driving roles. Where such checks are required these must apply to all candidates.

12. Appointment and On Boarding

Once the council has completed the compliance checks, the candidate can be confirmed in the role and a start date agreed. A contract of employment will then be issued within the legal timescale. The council's policy is to normally appoint new employees at the bottom of the relevant pay grade.

It is important that new employees have a smooth entry into the organisation and therefore the expectation is that managers and the Recruitment Team will provide to employees in advance of them joining, including but not limited to:

- housekeeping information.
- an induction plan including the Employee Code of Conduct and Health and Safety policies etc.
- access to IT equipment and the council's network.
- ensuring they are set up accurately on payroll.
- making them feel welcome by having regular contact in the time leading up to the start date.
- at the earliest opportunity work with them on a development plan.

13. Review and Reporting

In order to continuously improve its recruitment service, the council will capture a range of data and regularly report upon it. This will include service standards, for example average time to hire, success in attracting candidates through various media channels, internal appointments and information about both applications and appointments from those groups with protected characteristics.

14. Responsibilities

14.1 The Recruitment Team (Human Resources/Organisational Development Service)

The Recruitment Team will provide professional advice on best recruitment practice, ensure that the process works smoothly, that the council's policies and guidance are adhered to and comply with the latest legal framework. They will also monitor its effectiveness providing data to inform the council's Workforce Development Plans and using information and feedback to improve the service.

14.2 Recruiting Managers

Recruiting Managers play a pivotal role in the recruitment process and are ultimately the ones who own the success of a new hire. Recruiting Managers are responsible for delivering the aims of this policy in line with the organisations values, in particular:

- creating a positive candidate experience.
- being aware of our impact on others.
- proactively addressing discrimination and unconscious bias.
- taking pride in what we do and caring about those we engage with.

Recruiting Managers are responsible for applying the policy, practice notes, following the relevant guidance and ensuring that they have taken part in appropriate recruitment training.

14.3 Chief Officers/Heads of Service

Chief Officers and Heads of Service are responsible for ensuring that the highest standards of recruitment practice are applied in their service areas and that the relevant Recruiting Managers are competent to fulfil the role.

15. Legal Framework and Links to other Policies

- Recruitment Policy Practice Notes – Haringey Council 2021
- [Senior Appointment Guidance](#) – Haringey Council 2019
- [ACAS Recruiting Staff Guidance](#)
- Immigration, Asylum and Nationality Act 2006
- Equality Act 2010
- Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353)

- Data Protection Act 2018
- General Data Protection Regulation (2016/679 EU)

Document Control

Key Information	
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Report for: **Staffing & Remuneration Committee**

Title of Report **Human Resources Senior Management Restructure implementation – Proposed Redundancy**

Report authorised by **Richard Grice, Director of Customers, Transformation and Resources**

Lead Officer: **Dan Paul, Chief People Officer**

Ward(s) affected: **All**

Report for Key/ Non Key Decision: **Non Key**

1. Describe the issue under consideration

- 1.1 The internal recruitment to the Human Resources restructure has been completed. As part of this, existing employees in the service were interviewed for new roles, where applicable.
- 1.2 The post of Head of HR Operations was deleted by this restructure. The employee who was acting into that post was interviewed in a ring fence for the new post of Head of HR Support Services, but was unsuccessful.
- 1.3 The employee was made redundant under delegated powers by Officers as the cost of severance was under the £100,000 threshold. The employee's last day of service was 8 February 2021. The redundancy payments were made on 15 February 2021.
- 1.4 The cost was under £100,000 because the Restriction of Public Sector Exit Payments Regulations 2020 applied to this post.
- 1.5 These Regulations have been disapplied. The Council is therefore now required to meet the pension strain cost for this redundancy. The pension strain cost means that Committee approval is required.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

- a) Approve the compulsory redundancy pay package in accordance with the Council's Pay Policy Statement 2020/21.

4. Reason for decision

- 4.1 The implementation of the HR Restructure has resulted in this compulsory redundancy, which requires approval in line with the Pay Policy 2020/21

5. Alternative options considered

- 5.1 No alternatives are presented, as the restructure process in respect of this post has concluded and the employee has left the Council. The Committee has no discretion not to pay any of the payments as they are all required by contract or statute.

6. Background information

- 6.1 The senior management structure of Human Resources has been under review for some time. The restructure consultation was undertaken in accordance with the Council's Restructure Policy and there were several stages of consultation. The final consultation stage closed on 11 September 2020.
- 6.2 The new Chief People officer started in post on 7 September 2020. One of his first tasks is to complete the restructure and recruit to the posts in the new structure. Recruitment & selection to posts is in line with the Council's Recruitment Policy. As part of that, the ring fence recruitment to two new Head of Service posts needed to be completed. Interviews for the two posts were held on 6 October 2020. One existing employee was appointed as part of this process and one was not.
- 6.3 The employee who was not appointed is therefore compulsory redundant. There were no redeployment options.

7. Contribution to strategic outcomes

- 7.1 The restructure aims to establish a structure which will assist in the strategic leadership of the Council, and in delivery of the priorities identified in the Borough Plan.

8. Statutory Officers' comments

8.1 Finance

The redundancy and capital costs of this compulsory redundancy will be met from the Corporate budget. The cost of payments in relation to annual leave will be met from the service budget.

8.2 Procurement

Not applicable

8.3 Legal

8.3.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report.

8.3.2 In accordance with Part 3 Section E Section 2 of the Constitution, the Director may make these changes to the establishment including the creation and deletion of any posts as a result, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

8.3.3 The dismissal of a Senior Manager (as defined by the Council's Pay Policy Statement) as a result of the new structure must comply with the Council's procedures regarding organisational change.

8.3.4 Where the Council terminates the employment of an employee on the grounds of redundancy, they are entitled to receive compensation and benefits in accordance with the Council's Redundancy scheme and any statutory or contractual entitlements.

8.3.5 The Localism Act 2011 requires the Council to publish an annual Pay Policy Statement which outlines the Council's approach to the pay of its workforce and in particular the pay of its senior staff. The Council's Pay Policy for 2020/21 states that Severance payments of £100,000 or more must be considered and approved by the Staffing & Remuneration Committee. The recommendation in the report is in accordance with that Policy.

9 Equality

A full EqIA was not required due to the small impact upon the profile of the workforce.

10 Use of Appendices

1. Exempt Appendix
2. Government guidance in relation to the disapplication of the Regulations

11 Local Government (Access to Information) Act 1985

Appendix 1 is exempt as it contains information classified as "exempt" information under paragraphs 1 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972: namely that it contains information relating to any individual and also information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

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Restriction of Public Sector Exit Payments: Guidance on the 2020 Regulations



Restriction of Public Sector Exit Payments: Guidance on the 2020 Regulations



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Chapter 1

Introduction

- 1.1 In line with the Government's long-term commitment to ensure that Public Sector exit payments are fair and proportionate to employers, employees and taxpayers, The Restriction of Public Sector Exit Payments Regulations 2020 ("the Regulations") came into force on 4th November 2020.
- 1.2 The legislation set a £95,000 cap on exit payments ("the cap") for public sector authorities and offices listed in the [Schedule](#).
- 1.3 After extensive review of the application of the Cap, the Government has concluded that the Cap may have had unintended consequences and the Regulations should be revoked. HMT Directions have been published that disapply the Cap until the Regulations have been revoked. HMT Directions do not apply to exit payments made by a devolved Welsh authority.
- 1.4 This document is intended to provide guidance for any individuals and public sector authorities who were affected by the Cap while it was in place.
- 1.5 For the avoidance of doubt, it is still vital that exit payments deliver value for the taxpayer and employers should always consider whether exit payments are fair and proportionate. HM Treasury will bring forward proposals at pace to tackle unjustified exit payments.

Chapter 2

Guidance for Individuals

- 2.1 This guidance is for individuals who have had their exit payments capped as a result of the application of the Regulations. These individuals would be former employees or former office holders of a body listed in the Schedule, with the exception of a devolved Welsh authority, and the reference to an employee or employer in the document includes a reference to an office holder or relevant body in the Schedule. These individuals will have had an exit date between 4th November 2020 and 12th February 2021 and the cap would apply to their exit payment as a result of the application of the Regulations. Not all individuals with such an exit date will have been affected by the exit cap.
- 2.2 If you have been directly affected by the cap whilst it was in force, you should request from your former employer the amount you would have received had the cap not been in place by contacting your employer directly. Employers are encouraged to pay to any former employees to whom the cap was applied the additional sums that would have paid but for the cap.

Chapter 3

Guidance to Employers

- 3.1 The below guidance is for employers or bodies listed in the schedule to the Regulations, which can be found [here](#), with the exception of devolved Welsh authorities.
- 3.2 In light of the withdrawal of the Regulations, employers are encouraged to pay to any former employees who had an exit date between 4th November 2020 and 12th February 2021 and to whom the cap was applied, the additional sums that would have paid but for the cap. Given that the cap has now been disapplied, it is open to employers to do so and HM Treasury's expectation is that they will do so.

HM Treasury contacts

This document can be downloaded from www.gov.uk

If you require this information in an alternative format or have general enquiries about HM Treasury and its work, contact:

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Report for: **Staffing & Remuneration Committee 16 March 2021/ Standards Committee June 2021**

Title: **Appointment arrangements for the Monitoring Officer**

Report authorised by : **Dan Paul Chief People Officer/ John Jones – Interim Monitoring Officer**

Lead Officer: **Ian Morgan – Reward Strategy Manager**

Ward(s) affected: **N/A**

**Report for Key/
Non Key Decision: Non Key**

1. Describe the issue under consideration

This report proposes to amend the Constitution to ensure that members remain responsible for taking steps for the appointment of the Monitoring Officer and to ensure the Monitoring Officer is correctly referred to within the Constitution.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

3.1 That the Committee recommend to the Full Council meeting in July to agree amendments to the following parts of the Constitution:

3.1.1 Part Two – Articles (Appendix 1).

3.1.2 Part Three Section E Part 1 – Officer Scheme of Delegation (Appendix 2).

3.1.3 Part Three Section E Part 2 – General Delegations to Directors (Appendix 3).

3.1.4 Part Three Section E Part 1 – Delegations to the Chief Executive and Statutory Officers (Appendix 4).

3.1.5 Part Four Section K – Officer Employment Procedure Rules (Appendix 5).

4. Reason for Decision

4.1 The Council has a number of statutory obligations and powers regarding the appointment and dismissal of its most senior officers, codified in the above parts of the Constitution.

- 4.2 On 2 November 2020, the Staffing & Remuneration Committee considered changes to the role of the Assistant Director of Corporate Governance, which then included the statutory Monitoring Officer function. As a result, the role of the Assistant Director of Corporate Governance was deleted. The Monitoring Officer role became a Head of Service post.
- 4.3 This meant that the Monitoring Officer inadvertently fell outside the steps to be taken by members in relation to appointments of chief officers.
- 4.4 The relevant steps are set out in Part 4 Section K of the Constitution. This part is currently phrased so as to apply to the “Recruitment of the Head of Paid Service and Directors”. “Director” has the meaning given at Part 3 Section E Section 1 paragraph 2.01 of the Constitution and include Assistant Directors.
- 4.5 Therefore, the Monitoring Officer previously fell within this definition when part of the role of Assistant Director of Corporate Governance. However, it has now fallen outside of the definition as a result of becoming a Head of Service post.
- 4.6 It is proposed to amend the Constitution so as to include reference to Statutory Officers in Part 4 Section K of the Constitution. The Statutory Officers are defined in Part 3 Section E Section 1 paragraph 2.01 of the Constitution and include the following:
- The S151 Chief Finance Officer (This role is held by *the Director of Finance*)
 - The Monitoring Officer
 - The Director of Adult’s Services
 - The Director of Children’s Services
 - The Director of Public Health
- 4.7 Therefore, all of the above Statutory Officers except the Monitoring Officer currently fall within Part 4 Section K as a result of being Directors. Accordingly, the proposed amendments will not alter the position as regards those officers. The only change resulting from the inclusion of Statutory Officers will be that the Monitoring Officer will again fall back within these provisions.
- 4.8 It is also proposed to correct:
- 4.8.1 References to the Assistant Director of Corporate Governance in the above parts of the Constitution that should now be amended to refer to the Monitoring Officer in order to reflect the deletion of the role of the Assistant Director of Corporate Governance.
- 4.8.2 A typographical error in Part Three Section E Part 2 – General Delegations to Directors (Appendix 3). A reference to paragraph 14.04 of the Articles is

proposed to be amended to paragraph 13.04 because paragraph 14.04 does not exist.

- 4.9 The proposed changes will ensure continuity in terms of Members' powers in relation to the appointment of the Monitoring Officer and references within the Constitution that are intended to be to the Monitoring Officer.
- 4.10 Changes to the Constitution are approved by the Full Council on the recommendation of the Standards Committee, in accordance with Article 14.03 of the Constitution. It is good practice to also consult with the relevant Committee, in this case the Staffing and Remuneration Committee, to obtain the Committee's views on the proposal.

5. Alternative options considered

- 5.1 The alternative would be to maintain the current definitions in the Constitution. However, this would contravene the legal requirements set out below. It would also risk confusion because the role of the Assistant Director of Corporate Governance no longer exists.

6. Background

- 6.1 The Council has a duty to appoint a monitoring officer by virtue of section 5 of the Local Government and Housing Act 1989.
- 6.2 The Council's standing orders must incorporate certain provisions in respect of the appointment of its monitoring officer, by virtue of the Local Authorities (Standing Orders) Regulations 1993/202.
- 6.3 These provisions are contained in Part Four Section K of the Constitution.
- 6.4 Therefore, the Constitution will not comply with this legal requirement unless Part Four Section K is amended to include reference to the Monitoring Officer rather than the Assistant Director of Corporate Governance.

7. Contribution to strategic outcomes

- 7.1 Ensuring that the definition of member appointments is clear supports the Council's commitment to fair and transparent recruitment practice.

8. Statutory Officers' comments

8.1 Chief Finance Officer

There are no financial implications arising from the recommendations apart from minor administration changes.

8.2 Monitoring Officer

The legal implications are set out within the body of this report.

9. Use of Appendices

9.1.1 Appendix 1: Part Two – Articles

9.1.2 Appendix 2: Part Three Section E Part 1 – Officer Scheme of Delegation

9.1.3 Appendix 3: Part Three Section E Part 2 – General Delegations to Directors

9.1.4 Appendix 4: Part Three Section E Part 1 – Delegations to the Chief Executive and Statutory Officers

9.1.5 Appendix 5: Part Four Section K – Officer Employment Procedure Rules

10. Local government (Access to Information) Act 1985

10.1 Report for the Staffing and Remuneration Committee, 2nd November 2020: Changes to the role of Assistant Director Corporate Governance, which can be found at:

<https://www.minutes.haringey.gov.uk/documents/s118996/ChangestoroleofADCorporateGovernancePublicreport.pdf>

Part Two

Articles

Article 1 - The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the London Borough of Haringey.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no-one will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. Provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 2 - Members of the Council**2.01 Composition and eligibility**

- (a) **Composition.** The Council will comprise 57 members, otherwise called councillors. Three members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or by the Electoral Commission.
- (b) **Eligibility.** People can hold office as councillors if they are on the electoral register or if they have lived, worked or occupied property in the Borough for 12 months.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) Effectively represent the interests of their ward and of individual constituents;
 - (iv) Respond to constituents' enquiries and representations, fairly and impartially;
 - (v) Participate in the governance of the Council;
 - (vi) Maintain the highest standards of conduct and ethics; and
 - (vii) Be available to represent the Council on other bodies.
- (b) **Rights and duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

PART TWO – ARTICLES OF THE CONSTITUTION

- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. However, a Committee may disclose information previously treated as “exempt” where such information is within the Committee’s terms of reference and such disclosure is reasonable, in the public interest, in good faith and does not breach any other reasonable requirements of the Council. The advice of the Monitoring Officer should be sought prior to any disclosure of such information.
- (iii) For these purposes “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution which define councillors’ rights to information in more detail.

2.04 Conduct

Councillors will at all times observe the Member's Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.06 Political Groups

The Local Government (Committees and Political Groups) Regulations 1990 require that a political group is treated as constituted when there is delivered to the Proper Officer a notice in writing signed by two or more members of the authority who wish to be treated as a political group. A political group ceases to be constituted as such if the number of members of that group is less than two.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 3 – Citizens of The Council**3.01 Citizens rights**

This Article explains the rights of citizens in Haringey. The rights of citizens to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a change in the Council's governance arrangements.
- (b) **Information.** Citizens have the right to:
 - (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) Attend meetings of the Cabinet when key decisions are being made except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) Find out from the forward plan what key decisions will be taken by the Cabinet, Cabinet Committees or individual Cabinet members and which meetings will be held in private;
 - (iv) See reports and background papers, and any records of decisions made by the Council and its committees and the Cabinet, its committees, individual Cabinet members and Officers; and
 - (v) Inspect the Council's accounts and make their views known to the external auditor.
 - (vi) Be informed in writing whether the Council holds any information as requested under the Freedom of Information Act 2000. If the information is held by the Council, citizens have the right to have that information communicated to them except where such information is the subject of an exemption under the Freedom of Information Act 2000.
- (c) **Participation.**

The Council is committed to helping people contribute to how decisions are made about local services, and will therefore support a wide range of consultations to hear residents' views. The Council also wants to develop more ways of working with

PART TWO – ARTICLES OF THE CONSTITUTION

local people and communities, particularly hard to reach groups such as young people and minority ethnic communities. In addition, individual citizens of Haringey have the following rights under this Constitution:

- (i) The right to participate in any public sessions arranged for members of the Cabinet to answer questions from Haringey residents.
- (ii) The right to be asked to contribute to the work of the Overview and Scrutiny Committee and its scrutiny panels and reviews.
- (iii) The right to attend as part of a deputation to the Cabinet and to Council in accordance with the relevant rules.
- (d) **Representations and Complaints.** Citizens wishing to complain may:
 - (i) Make representations to their ward councillors or to members of the Cabinet;
 - (ii) Make a formal complaint about any Council service to the Council itself under its complaints scheme;
 - (iii) Complain to the Ombudsman after using the Council's own complaints scheme;
 - (iv) Make a formal complaint about a breach of the Member's Code of Conduct.
- (e) **Petitions**

People on the electoral roll for the Council's area may sign a petition to request a referendum for a change in the Council's governance arrangements. Citizens may also present petitions on other matters to the Cabinet, to Council or their ward member.

3.02 Citizens responsibilities

There are a number of ways that Haringey citizens can contribute to a flourishing democratic local authority and civic culture, which this Constitution is intended to support:

- (i) Assisting the Council with the compilation of the electoral register (by meeting their obligations to provide information about themselves) and respecting any requirements for proper use of this information;

PART TWO – ARTICLES OF THE CONSTITUTION

- (ii) Exercising their right to vote in local, regional, national and European elections;
- (iii) Respecting and valuing the diversity of communities and their views within a densely populated urban area such as Haringey;
- (iv) Behaving in socially and morally responsible ways, towards those in authority and towards each other;
- (v) Meeting their obligations in relation to the Council, such as paying their council tax, ensuring their child attends school, etc.
- (vi) Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 4 - The Full Council**4.01 Meanings**

- (a) **Policy Framework.** These are the plans and strategies that must be reserved to the full Council for approval:

- Annual Library Plan
- Best Value Performance Plan
- Crime and Disorder Reduction (community safety) Strategy
- Development Plan documents
- Youth Justice Plan
- Statement of Gambling Policy
- Statement of Licensing Policy
- Treasury Management Strategy

Any other policies the law requires must be approved by full Council.

Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:

- Housing Strategy

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying council tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;

PART TWO – ARTICLES OF THE CONSTITUTION

- (e) Making or revising a Council Tax Reduction Scheme;
- (f) Approval of the Community Infrastructure Levy Charging Schedule;
- (g) Approval of Development Plan Documents (DPDs) prior to submission to the Secretary of State;
- (h) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (i) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (j) Electing the Leader;
- (k) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (l) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (m) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (n) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (o) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (p) Adopting and amending the Members' Allowances Scheme;
- (q) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (r) Confirming the appointment or dismissal of the Head of Paid Service;
- (s) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (t) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (u) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns either
 - i) "executive" functions when the decision is for the Cabinet; or
 - ii) the creation of joint sub-committees by the Health and Wellbeing Board pursuant to s198 of the Health and Social Care Act 2012;
- (v) Adopting the Members' Code of Conduct;

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- (w) Approving Pilot Schemes for Local Elections;
- (x) To discharge all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 (the “Act”), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- (y) To discharge all functions which must be reserved to full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
 - (i) approving and revising any Statement of Licensing Policy;
 - (ii) resolving not to issue any casino premises licences in the next three years;
- (z) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (za) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (zb) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (zc) All other matters that, by law, must be reserved to Council.

4.03 Council meetings

There are four types of Council meetings:

- (a) The Annual meeting;
- (b) The Budget Setting meeting;
- (c) Ordinary meetings;
- (d) Extraordinary meetings.

They will be conducted in accordance with the Standing Orders (Council Procedure Rules) in Part 4 of this Constitution. Council meetings will be chaired by the Mayor if he/she is present. If the Mayor is not present, Council will select another Councillor to take the Chair. The Deputy Mayor does not automatically chair the meeting in the Mayor's absence. The Council may select the Deputy Mayor if it so wishes.

4.04 Responsibility for functions

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Cabinet.

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Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not members of the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairs to account;
4. To promote public involvement in the Council's activities;
5. To be the conscience of the Council; and
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.02 First Citizen.

The Mayor shall take precedence i.e. shall be the first citizen of the London Borough of Haringey.

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Article 6 - Overview and Scrutiny**6.01 Terms of reference**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000, the Health & Social Care Act 2001 and the NHS Reform & Health Professionals Act 2002.

6.02. General role

Within its terms of reference, the Overview and Scrutiny Committee may:

- (a) Exercise an overview of the forward plan;
- (b) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) Make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) Make reports or recommendations on matters affecting the area or its inhabitants;
- (e) Exercise the right to call-in, for reconsideration, key decisions made but not yet implemented by the Executive;
- (f) Receive the reports and recommendations of its commissioned Scrutiny Review Panels; and
- (g) In accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies;
- (h) Enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

6.03 Specific functions**(a) Scrutiny Review Panels.**

The Overview and Scrutiny Committee shall appoint Scrutiny Review Panels in order to discharge the Overview and Scrutiny role for designated public services and will co-ordinate their respective roles.

(b) Policy development and review.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

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- (i) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) Question members of the Cabinet and chief officers about their views on issues and proposals affecting the area; and
- (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(c) Scrutiny.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and Council officers both in relation to individual decisions and over time;
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) Question members of the Cabinet and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) Make recommendations to the Cabinet or relevant non-executive Committee arising from the outcome of the scrutiny process;
- (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vi) Question and gather evidence from any person (with their consent).

(d) Finance

Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

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(e) Annual report.

Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.05 Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by full Council.

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Article 7 - The Leader and the Cabinet**7.01 The Leader**

The Leader will be a councillor elected to the position of Leader by the Council. The Leader may exercise any “executive” functions of the local authority even if delegated elsewhere in this Constitution except those functions which by law must be discharged by an officer. Unless the context indicates otherwise, where there is a reference in this Constitution to a decision which may be taken by the Cabinet meeting, by a Cabinet Committee or subordinate body or by an individual Cabinet member, that decision may be taken by the Leader personally, or the Leader may choose to allocate that decision to an individual Cabinet member or to a Committee of the Cabinet.

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is disqualified from being a councillor by order of a court;
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.03 The Cabinet

The Cabinet will carry out all of the local authority's “executive” functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet member or a Committee of the Cabinet.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors ("Cabinet Members") appointed to the Cabinet by the Leader but may not include the Mayor or Deputy Mayor.

7.05 Other Cabinet members

- (i) The Leader will determine the number of Cabinet members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.

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- (iii) One Cabinet member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet members shall hold office until one of the events (a) to (e) below:
 - (a) They resign from office; or
 - (b) They are disqualified from being councillors by order of a court;
 - (c) They are no longer councillors; or
 - (d) They are removed from office, either individually or collectively, by the Leader; or
 - (e) The Annual Meeting following the Council Elections after their appointment.

7.06 Votes of No Confidence

The Leader shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The responsibilities of the Leader shall then be carried out by the Deputy Leader until such time as the election of a replacement Leader, or the re-election of the previous Leader, by full Council. The election of the new Leader may take place at the meeting when the vote of no confidence was carried or at a subsequent meeting.

7.07 Default Provisions

- (i) In the event that Leader is unable to act or the office of Leader is vacant and, at the same time, the Deputy Leader is unable to act or the office of Deputy Leader is vacant, then the other Cabinet members shall act collectively in place of the Leader until such time as a new Leader is elected by the full Council.
- (ii) In the event that no Cabinet members are able to act or remain in office then all functions of the Leader and Cabinet members shall be exercised by the Chief Executive acting so far as is practicable in consultation with the remaining Cabinet members or the Mayor, if no Cabinet members remain in office (or Deputy Mayor if the Mayor is unable to act), until such time as a new Leader is elected by the full Council.

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7.08 Proceedings of the Cabinet

Proceedings of the Cabinet, Cabinet Committees and decisions by individual Cabinet members shall take place in accordance with the Cabinet Procedure Rules set out in Part 4.

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of those functions by:
 - (a) The Cabinet;
 - (b) A Cabinet member;
 - (c) A Committee of the Cabinet; or
 - (d) An officer
- (ii) The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

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Article 8 - Non-Executive Committees

- 8.01** A number of functions such as planning control, licensing, health and safety regulation, electoral matters, local act powers, employee terms and conditions and pensions matters are not Executive functions for which the Cabinet is responsible. These matters are excluded from the Executive functions by law, regulations or the provisions of this Constitution.
- 8.02** The Council shall appoint the Committees set out in Part 3 Section B of this Constitution to discharge the functions described. These include a Committee to be called the Regulatory Committee to be responsible for planning control and licensing matters and a Committee to be called the Corporate Committee to be responsible for other non-executive functions as specified under legislation that are not reserved to full Council or delegated to any other Committee, Sub-Committee, Panel or other body described in Part 3 of this Constitution or an appendix to it. The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.
- 8.03** The Council's non-executive functions are currently set out in Statutory Instrument 2000 No. 2853, and subsequent amending Regulations.
- 8.04** The Committees described above will be established at the Annual Meeting of the Council.
- 8.05** The Committees described above will establish appropriate sub-committees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- 8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

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Article 9 - The Standards Committee**9.01 Standards Committee**

The Council meeting will establish a Standards Committee to promote and maintain high standards of conduct by members and co-opted members of the Council.

9.02 Composition

The Standards Committee will be composed of councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (i) Responding to national reviews and consultations on standards related issues;
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent persons and taking steps to select them;
- (l) Considering amendments to the Constitution and recommending proposals to full Council for approval

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9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

The Assessment Sub-Committee will be composed of councillors appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions:

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of councillors appointed on the basis of political balance.

9.09 Role and Function

The Hearing Sub-Committee will have the following roles and functions:

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

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Article 10 Joint Arrangements**10.01 Arrangements to promote well being**

The Leader, or the Cabinet with the Leader's agreement, in order to promote the economic, social or environmental well-being of its area, may:

- (a) Enter into arrangements or agreements with any person or body;
- (b) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) Exercise on behalf of that person or body any functions of that person or body.

10.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions that are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board within these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called "boards" in this Constitution.
- (b) The Council may establish joint arrangements with one or more local authorities and their Executives to exercise functions that are partly Executive and partly Non-Executive ("mixed functions"). Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies. Where the Council appoints only one member to such a joint committee, that member may be, but need not be, a Cabinet member. Where the Council appoints more than one member to such a joint committee, at least one of them shall be a Cabinet member.
- (c) The Leader, or the Cabinet with the Leader's agreement, may establish joint arrangements with the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader, or the Cabinet with the Leader's agreement, may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.
- (d) Except as set out below or otherwise provided in legislation, the Leader or the Cabinet may only appoint Cabinet members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.
- (e) The Leader, or the Cabinet with the Leader's agreement, may appoint members to a joint committee or board from outside the Cabinet in the

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circumstances where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

- (f) Details of any existing joint arrangements including any delegations to joint committees will be found at the end of this Article, and their terms of reference included in Part 3 Responsibility for Functions, Section DA.

10.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee or board are members of the Cabinet in each of the participating authorities then the access to information rules relating to the Executive in the Local Government Act 2000 will apply.
- (c) If the joint committee or board contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting in the case of non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

10.05 Delegation to and from other organisations

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council in the case of non-

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executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

- (d) The Leader, or the Cabinet with the Leader's agreement, may appoint other Cabinet members to act as the Leader's representatives and to exercise executive functions at meetings of the Haringey Strategic Partnership (HSP) and its subordinate bodies. Decisions taken by a Cabinet member or members in this way will have immediate effect. For the avoidance of doubt, the same will apply where the Leader sits in person as a member of the HSP or its subordinate bodies.

10.06 Contracting out

The Council for non-executive functions, and the Leader, or the Cabinet with the Leader's agreement, for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Delegation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

10.07 London Councils Arrangements for Co-ordinating Response to Emergencies

- (a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a major incident or a lesser emergency. This "L.A. Gold" will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team.
- (b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Co-ordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate any local authority response, as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.
- (c) The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:
- (i) after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or
 - (i) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of

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a London Partnership Meeting, normally led by the London Resilience Team, provided that the agreement of London Councils (under delegated powers) is also secured.

- (d) Subject to paragraph (e) below, L.A. Gold will only have power to incur expenditure once:
 - (i) the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or
 - (ii) The Council or Councils in whose area the incident occurs confirm that it/they will reimburse expenditure incurred for the purposes in (i) above.
- (e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area the incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above, or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provide it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.
- (f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above.

10.08 Outside Bodies

- (a) Introduction
 - (i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social well-being of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.
 - (ii) These organisations can be categorised as follows:
 - (A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,
 - (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee,

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- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.

(b) Nominations Procedure

- (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of Association and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet members will be made by the Leader, or the Cabinet with the Leader's agreement, and merely recorded in the complete list approved at the AGM.
- (ii) The capacity in which members are nominated, the duration of the appointment and any other relevant terms and conditions will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".
- (iii) A full list of existing and newly nominated or appointed councillors will be presented to the next meeting of full Council after the AGM setting out the name of the organisation, terms of appointment and status or capacity of the councillor within the organisation.
- (iv) Future nominations to voluntary or community bodies will generally be in a non-voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated members will not participate in management or decision-making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the Council.
- (v) Nominations to other organisations will generally be in a full, voting capacity i.e. the member should participate fully in management and decision making within the organisation, as appropriate, and should vote at its management committee. Exceptions would be made where the organisation so requested or its own constitution or ground rules so required. Nominations to trusts, for example, would have to be in a full, voting (not an "observer") capacity since the purpose of the nomination would be for the member to have a decision making role.

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(c) Members' Conduct

- (i) The Members' Code of Conduct, as set out in the Council's Constitution, applies to members' activities as representatives in any capacity on any outside body.
- (ii) In addition, nominated members will be required to observe the Constitution or rules of the organisation itself, except in so far as there might, unusually, be a conflict with the Council's Members' Code of Conduct. Members should seek advice from the Monitoring Officer if they think that any such conflict could arise.
- (iii) Members may also be under legal duties imposed in respect of their roles in specific types of organisation e.g. as Directors of Limited Companies or as Charity Trustees. Further Guidance will be available to members outside the text of this Constitution.

10.09 Current Joint arrangements

The Council currently has formal joint arrangements as follows;

Health and Wellbeing Board Joint sub-committee (with Islington Council)

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Article 11 – Officers**11.01 Management Structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. For the avoidance of doubt, the words ‘staff’ ‘employees’ or ‘officers’ includes agency workers, consultants and secondees to the authority over whom the authority has managerial control.
- (b) **Senior Management.** The Council will engage the posts of Chief Executive and senior managers who have the responsibilities set out below and make up the Council’s Corporate Board*:

Post	Functions and Responsibilities
Chief Executive	Chief Executive and Head of Paid Service, Corporate Governance, Legal and Democratic Services, Audit, Policy and Business Management and Communications
Director of Adults and Health	Adults, Public Health, Commissioning
Director of Finance	Corporate Finance, Departmental Finance,
Director of Housing Regeneration, and Planning	Planning, Regeneration, Housing Strategy, Corporate Property and Major Projects, Housing
Director for Environment and Neighbourhoods	Procurement, Environmental services, community safety, Emergency Planning and Civil Contingencies
Director for Children’s Services	Children, Families, Schools

(c) Statutory officers

The Council has to appoint officers to fulfil the statutory roles identified in Part 3, Section E, Section 3.

In addition to the functions set out in Part 3 the Head of Paid Service (Chief Executive), Monitoring Officer (~~Assistant Director of Corporate Governance~~) and Chief Finance Officer (Director of Finance) have additional functions:

11.02 Functions of the Head of Paid Service (Chief Executive)

*A chart of the Council’s Corporate Board is appended to this Constitution.

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- (a) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Appendix C to this Constitution.
- (b) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (c) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.03 Functions of the Monitoring Officer ~~(Assistant Director of Corporate Governance)~~

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council
- (d) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Standards Committee.
- (f) **Conducting investigations.** The Monitoring Officer, or investigators appointed by him/her, will conduct investigations into matters referred by the Standards Committee or one of its sub-committees and make reports on recommendations in respect of them to the Standards Committee.
- (g) **Proper officer for access to information.** The Democratic Services Manager shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

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The Monitoring Officer will advise and assist to ensure the proper performance of these functions.

- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. The Monitoring Officer will report on new and amended legislation to Council so that members can consider the effects on services and the possible need to amend the scheme of delegations.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.04 Functions of the Chief Finance Officer and Section 151 Officer [Director of Finance]

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer (Director of Finance) will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer (Director of Finance) will contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer (Director of Finance) will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer (Director of Finance) will provide financial information to the media, members of the public and the community.

PART TWO – ARTICLES OF THE CONSTITUTION

11.05 Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer (Director of Finance) with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 12 - Decision Making**12.01 Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas of functions. This record is set out in Part 3 of this Constitution or an Appendix to it.

12.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights in particular, giving consideration to such issues at an early stage in the process;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

Furthermore, the Council will explain what options were considered and give reasons for the decision.

12.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4 and at Part 3 Section B will be made by the full Council and not delegated.
- (b) Decisions reserved to the Executive. Decisions relating to the functions listed in Part 3 Section C will be made by the Executive and not delegated.
- (c) Key decisions.

A key decision is an Executive decision which is likely:

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

PART TWO – ARTICLES OF THE CONSTITUTION

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4, the Access to Information Procedure Rules set out in Part 4 and the Protocol for Key Decisions set out in Part 5.

12.04 Decision making by the full Council

Subject to Article 4 the Council meeting will follow Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.05. Decision making by the Executive

Subject to Article 7 the Executive (the Leader, individual Cabinet members, the Cabinet, or a Committee of the Cabinet) will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.06 Decision making by the Overview and Scrutiny Committee

Subject to Article 6, the Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.07 Decision making by the other Committees and Sub-Committees established by the Council

Subject to Article 8, other Council Committees and Sub-Committees will follow those parts of the Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.08 Decision making by Officers

Subject to Article 11, officers shall follow the scheme of delegation, as set out in Part 3 of this Constitution and any Appendix to it, when considering any matter.

12.09 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 13 - Finance, Contracts and Legal Matters**13.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

13.03 Legal proceedings

On the advice of the ~~Assistant Director of Corporate Governance~~Monitoring Officer as appropriate, Officers are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Assistant Director of Corporate Governance~~Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the ~~Assistant Director of Corporate Governance~~Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract shall comply with the Council's Contract Standing Orders as outlined in Part 4 of this Constitution.

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the ~~Monitoring Officer~~Assistant Director of Corporate Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Monitoring Officer~~Assistant Director of Corporate Governance should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution. The affixing of the Common Seal will be attested by the ~~Monitoring Officer~~Assistant Director of Corporate Governance, Chief Executive, Chief Finance Officer, Assistant Head of Legal Services or any other person authorised by him/her either in relation to a specific document or to particular categories of documents.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 14 - Review and Revision of the Constitution**14.01 Duty to monitor and review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.02 Protocol for monitoring and review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) Observe meetings of different parts of the member and officer structure;
- (b) Undertake an audit trail of a sample of decisions;
- (c) Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

14.03 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by the Standards Committee and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change. In addition, where in the reasonable opinion of the Monitoring Officer a proposed change is:
 - a) a minor variation; or
 - b) required in order to remove any inconsistency or ambiguity; or
 - c) required so as to give effect to any decision of the Council or one of its committees or sub-committees; or the Cabinet or one of its committees or sub-committees,
 the Monitoring Officer may make that change. The change will come into force immediately, but will be reported to full Council at the next available meeting. Other changes to the Constitution will take effect from the date of the decision unless a later date for implementation is specified.
- (b) **Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals. If the proposals were to change the Executive Arrangements to an alternative form of governance arrangements, then a local referendum would be required.

PART TWO – ARTICLES OF THE CONSTITUTION

Article 15 - Suspension, Interpretation and Publication of the Constitution**15.01 Suspension of the Constitution**

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rule will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.02 Interpretation

The ruling of the Mayor (or other person presiding in the Mayor's absence) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.03 Publication

- (a) The Constitution is available on the Council's website. The Chief Executive will give on request a printed copy of this Constitution to a member of the authority.
- (b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Part Three, Section E

Officer Scheme of Delegation

Section 1	INTRODUCTION AND GROUND RULES
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1. What is the Officer Scheme of Delegation?

- 1.01 Part Three of the Constitution describes the overall areas of responsibility for the Council, the Executive and for Committees and Sub-Committees. However, to ensure that the Council runs efficiently, it is necessary for some decisions to be taken by officers. Certain types of decision must by law be delegated to an officer rather than being determined by Members. These include the appointment and dismissal of officers below Director level, discharge of the duties of the Returning Officer in elections and the Proper Officer functions. Other Council functions must by law be determined by Members, for example, setting the Council Tax and adopting the plans or strategies constituting the Council's Policy Framework. For the great majority of local authority functions, it is a matter of local choice for the Council whether they are exercised by Members or delegated to officers.
- 1.02 This Section describes the functions, powers and duties delegated to the most senior officers of the Council within their areas of responsibility. All functions and decisions not reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees (and as listed in Part Three Sections B – D above) are delegated to officers.
- 1.03 In understanding the Officer Scheme of Delegation it is important to recognise the respective roles of Members and officers. Members and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve until their term of office expires. As elected Members, they are responsible for determining Council Policy and Strategy. Officers are employed by, and are responsible to, the Council and as such are responsible for implementing policy and delivering services. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees and the management of the Chief Executive and relevant Director.
- 1.04 This scheme operates from the date approved by the full Council.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

2. General Principles of the Officer Scheme of Delegation

2.01 For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term “Director” shall include the following officers:

- The Chief Executive
- Members of the *Corporate Board* *
- All Directors and Assistant Directors
- The Chief Executive of Alexandra Palace & Park (as appropriate)

For the purposes of officer delegated powers, the term “Corporate Board” means¹:

- The Chief Executive
- The Director for Environment and Neighbourhoods
- The Director for Housing, Regeneration and Planning
- The Director for Children’s Services
- The Director for Adults and Health
- The Director for Customers, Transformation and Resources
- The Director of Finance

For the purposes of officer delegated powers, the term “Statutory Officers²” means:

- The S151 Chief Finance Officer (This role is held by *the Director of Finance*)
- The Monitoring Officer ~~(This role is held by the Assistant Director of Corporate Governance)~~
- The Director of Adult’s Services
- The Director of Children’s Services
- The Director of Public Health

Any functions delegated to Directors shall be exercised by Directors in respect only of the specific services for which they are responsible. These officer delegated powers shall be exercised in accordance with the following general principles.

2.02 Functions delegated to officers are to be exercised taking into account:

- All other parts of the Constitution in particular the Financial Regulations and the Contract Procedure Rules at Part 4 of the Constitution
- The Budget and Policy Framework

⁴

NB. The Chief Executive and Head of Paid Service is a member of the Corporate Board- and is a Statutory Officer of the Council in law, however for the purposes of the Constitution, the Chief Executive and Head of Paid Service is extracted from these terms and addressed individually

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- The approved Budget
 - Any instructions given by the Chief Executive
 - Any advice given by the Council's Chief Finance Officer (S151 officer) or the Monitoring Officer
 - All legal requirements and any statutory codes of conduct or statutory guidance
 - All codes, policies and protocols as may be approved by the Council or the Executive or one of their Committees or Sub-Committees
 - Any relevant decisions of the Council or the Executive or one of their Committees or Sub-Committees
- 2.03 Any function delegated to an officer may also be exercised by any officer who has been so authorised by the officer to whom the function is delegated, or by the Chief Executive. Such authorisations shall be recorded and held by the officer making the authorisation. Officers authorised under this provision to exercise a power delegated to another officer should be either fully or generally under the supervision and control of the authorising officer. This does not apply to functions delegated to the officers acting in the statutory capacity of the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer. These functions may only otherwise be exercised by the Assistant Director for Finance or Deputy Monitoring Officer as named in writing by the post holder.
- 2.04 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.
- 2.05 Where a Director's post is vacant, or the officer is absent or otherwise unable to act, and no officer has been appointed in an 'acting capacity', any functions delegated may be exercised by the Director whose duties include or most closely correspond to the function in question; save in relation to the Council's Chief Finance Officer (s151 officer) or the Monitoring Officer where functions may only be exercised in accordance with arrangements that have been authorised in writing by the post holder.
- 2.06 Any reference to legislation in this scheme shall include any act, statutory instrument or subordinate legislation by which it is applied, extended, amended, consolidated, repealed or replaced.
- 2.07 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Cabinet, the Leader, relevant Cabinet Member or to a Committee of the Council.
- 2.08 In the event of a "catastrophic incident", declared by the Secretary of State to be imminent or to have occurred, all Council officers are

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

authorised to take any action in accordance with the instructions of the Chief Executive or any external Chief Executive appointed to co-ordinate the actions of some or all London local authorities.

3. Requirements to record and report on decisions taken under the Officer Scheme of Delegation

- 3.01 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her area of responsibility which records any decisions made under delegated powers. Written statements of officers' exercise of delegated powers must be completed and where appropriate published and made available for public inspection at the Civic Centre and on the Council's website.
- 3.02 Regular reports (at least quarterly) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the Corporate Committee, in the case of non-executive functions, summarising all decisions taken under urgency provisions as provided for at paragraph 5 below. These reports will be sent to the next full Council for noting. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.
- 3.03 Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non-executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.
- 3.04 In paragraph 3.03 a decision of "particular significance", to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:
- (a) It is a spending or saving of £100,000 or more, or
 - (b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.
- 3.05 The Council may require an officer to consult a Cabinet Member before exercising the delegation in specific circumstances. In this event the signed agreement of the Cabinet Member must be obtained. If there is disagreement, the officer must report the matter to the Cabinet Meeting for decision.

4. General Limitations:

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

4.01 This scheme does not delegate to officers:

- (a) Any matter reserved that is reserved to Members - either the Executive or the Full Council or one of their Committees or Sub-Committees and as listed in Part Three Sections B – D above. This includes key decisions; the making, changing or departure from Council policy and the setting of fees and charges;
- (b) Any matter which by law may not be delegated to an officer

4.02 Officers shall not be authorised by virtue of these provisions to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with the Financial Regulations at Part 4 Section I.

5. Urgent decisions and Officer Powers:

5.01 Where action needs to be taken on any urgent matter between meetings of the Cabinet, or any Committee or Sub-Committee of the Cabinet or the Council and such action would not be authorised within these provisions, the following rules shall apply:

- (a) in the case of executive functions, the Leader may take any executive decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet. The Protocol for Decision-Making in Part 5 shall be followed
- (b) in the case of non-executive functions, a report will be prepared so that the Director having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making in Part 5 shall be followed.

6. Responsibility for maintaining and updating the Scheme of Delegation

6.01 The delegations in this document are necessary for officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is essential therefore that the contents of this document are kept up to date.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

- 6.02 Each Director must ensure that there is a nominated officer in their Directorate who takes responsibility for considering changes to the Scheme of Delegation. This officer must ensure that changes to existing legislation, proposed new legislation affecting their service area and new operational or policy developments are discussed with the Monitoring Officer. The Monitoring Officer will be responsible for preparing any necessary reports to full Council recommending amendments to the Scheme.
- 6.03 In cases where there is an immediate or urgent need to amend the Scheme of Delegation with respect to any Non-executive function before a report can be considered by full Council, amendments may be authorised by the Chief Executive, acting in consultation with the Chair of the Standards Committee. Any such urgent amendments to the Scheme will only be effective for six months unless they are formally adopted as amendments to the Constitution by full Council before the expiry of that period.
- 6.04 Amendments to the Scheme of Delegation with respect to any Executive function may be authorised at any time by the Leader or the Cabinet and will have immediate and continuing effect. Such amendments will be reported to the full Council but only for noting and inclusion within the Council's Constitution.

7. Protocol for Officers Taking Decisions under Delegated Powers

- 7.01 There is no prescribed form for officers taking delegated decisions. Different types of report or record appropriate to the circumstances may be used provided the essential details are recorded in writing in every case. These are:
- (a) the post title of the officer taking the decision,
 - (b) the substantive facts, including what is being decided,
 - (c) the reasons for the decision,
 - (d) the expenditure authorised (if any),
 - (e) the date the decision was taken.
 - (f) details of any alternatives considered and rejected by the officer taking the decision,
 - (g) details of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision, and
 - (h) in respect of any officer's declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section E – Scheme of Delegation – Section 1 Introduction

7.02 The officer taking the decision is responsible for ensuring that all relevant points are recorded which may include, but are not limited to, the following:

- (a) any financial implications (beyond stating the expenditure)
- (b) any legal implications
- (c) any environmental implications
- (d) any equalities implications
- (e) any relevant Council policies
- (f) any relevant national or regional guidance
- (g) any consultations undertaken and the views of consultees
- (h) any other implications for service delivery in the relevant service area
- (i) any implications for other Council services outside the service area
- (j) and any comments from other affected service areas
- (k) any staffing implications
- (l) any background documents relied upon
- (m) any information in the report or background documents that could or should be restricted from public disclosure as confidential or exempt information under the Freedom of Information Act 2000
- (n) any alternative options to the recommended decision
- (o) any consultation with Members (whether Cabinet Members, Chairs or Ward Members).

7.03 Officers taking delegated decisions should always consider carefully whether there are any factors that would make it advisable to consult the relevant Cabinet Member(s) or Chair of Committee in advance, for example, the sensitive or controversial nature of the decision.

7.04 The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded in accordance with the procedure for the relevant service area or function concerned. Each

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 1 Introduction

Director will keep their own central record of all delegated decisions taken within their constituent services.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

Section 2 GENERAL DELEGATIONS TO DIRECTORS

General Functions delegated to Directors in their service areas:

General

- To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet
- To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents
- To carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to Directors
- To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers
- The power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough

Incidental powers

- In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions

Service Performance

- To make arrangements to secure value for money in respect of their service areas, to secure continuous improvement in the way functions are exercised having regard to a combination of economy, efficiency and effectiveness, and to maximise economic, environmental and social value
- To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions
- To meet business critical and key performance indicator targets
- To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget & Policy Framework, the Financial Regulations and the Contract Standing Orders

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council

Legal

- To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Monitoring Officer~~Assistant Director of Corporate Governance~~ as appropriate
- Subject to the agreement of the Monitoring Officer~~Assistant Director of Corporate Governance~~, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal
- To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Monitoring Officer~~Assistant Director of Corporate Governance~~ in accordance with Article 44.13.04
- To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant
- To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized
- To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;
- To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council
- To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
- To authorise the recovery by legal proceedings of any sum to which the Council is entitled
- To take the action necessary to comply with any Court Order made against the Council
- To appoint officers as authorised officers for any statutory purpose
- To accept, hold and administer any property on trust (in consultation with the Chief Finance Officer and the Monitoring Officer~~Assistant Director of Corporate Governance~~)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- To supply photocopies of documents to the general public subject to making such charges as may be agreed in an approved scheme, subject to the provisions of the Copyright, Designs and Patents Act 1988

Personnel Matters:

Exercising all Human Resources functions in accordance with agreed procedures and policies and subject to the agreement of the Assistant Director for Human Resources as required, including:

- Taking all decisions relating to changes to the establishment; save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- Power to designate posts as casual or essential car users in accordance with agreed procedures
- Power to defray expenses properly incurred by an officer of the Council
- Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- Approval of extension of special leave with pay
- Extensions of accident pay beyond the national, provincial or local agreements
- Grant of honoraria and where relevant ex-gratia payments to employees
- Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the Staffing and Remuneration Committee
- Re-designation of posts subject to normal consultative procedures
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme
- To consider requests from employees to engage in any other regular employment for which payment is received
- Decisions not to reclaim maternity pay
- Deletion of vacant and creation of new posts
- Appointments to posts in accordance with agreed procedures and pay scales, save in relation to Directors which is reserved to the Staffing and Remuneration Committee;
- Power to authorise recruitment and retention terms for individual posts save in relation to Directors which is reserved to the Staffing and Remuneration Committee
- Disciplinary/capability action, save in relation to the Strategic Leadership Team and Statutory Officers which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with Part 4 Section K of the Constitution.
- Dismissals of officers, save in relation to Directors which is reserved to the Staffing and Remuneration Committee. The power to approve the terms of

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance Officer, save in relation to Directors which is reserved to the Staffing and Remuneration Committee

- Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Assistant Director for Human Resources and save in relation to Directors which is reserved to the Staffing and Remuneration Committee
- Exercising of discretions in accordance with Council policy pursuant to the Local Government Pension Scheme Regulations 2013
- Exercising of discretions in accordance with Council policy pursuant to the Teachers' Pensions Regulations 2010
- Approval of payment of allowances to employees
- Approval of more than 5 days carry-over of annual leave to the following leave year

Administrative Matters

- Power to deal with requests for access to Council premises by the media
- Power to waive charges where justified in exceptional circumstances and where this is legally permissible

Finance

Officers are referred to the Financial Regulations at Part Four Section I of the Constitution

Contracts

Officers are referred to the Contract Procedure Rules at Part Four Section J of the Constitution

Property Matters

- Any decision concerning the management or use of land held for the operational requirements of the officers of a service area may be taken by the relevant Director, subject to the following provisions
- Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking under the Greater London Council (General Powers) Act 1974 are reserved to the Monitoring Officer. ~~Assistant Director of Corporate Governance~~
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to acquire or dispose of any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements. The power to acquire or dispose of any land or property with a capital value equalling or exceeding

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

£250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements is reserved to the Director of Regeneration, Planning and Development

- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to take or grant a lease or licence of any land or property for any period where the rent is less than £100,000 per annum. The power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000 is reserved to the Director of Regeneration, Planning and Development
- Subject to the agreement of the Assistant Director for Corporate Property and Major Projects, the power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.
- The power to survey land which the Council proposes to acquire compulsorily
- The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land

Emergencies (e.g. flooding, power failure etc)

- Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, and L.A Gold is of the opinion that it is likely to affect the whole or part of the Council's area or all or some of its inhabitants, all Directors may:
 - a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
 - b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.
- This power is to be exercised by Directors in accordance with Article 11.07 of the Constitution.

Safeguarding

- Duty to ensure that a person who is disqualified from working with children is not offered work in a regulated activity and that any such person who is so employed is removed from such work

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

- In accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006, to exercise the duty and the power to make referrals to the Disclosure and Barring Service to refer any person who has:
 - (a) Harmed or poses a risk of harm to a child or vulnerable adult;
 - (b) Satisfied the harm test; or
 - (c) Received a caution or conviction for a relevant offence

Equalities and Public Health

- To have due regard, when carrying out any of the Council's functions, to the Council's Equal Opportunities Policy and the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations
- To have regard, when carrying out any of the Council's functions, to the joint strategic needs assessment and Health and Wellbeing Strategy prepared by the Council and its health partners and which is relevant to the exercise of the functions
- Duty to make provision for disabled persons with needs who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage

Energy and Climate Change

- To have regard, when carrying out any of the Council's functions, to the most recent energy measures report from central government

Health and Safety

- To ensure and promote the health, safety and welfare at work of all employees and visitors to premises under their control

Access to Information

- To comply with the duties and powers imposed by Part 4 Section D of the Constitution

Responding to consultations and proposals

- To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers, local authorities and the Mayor of London, in consultation with the relevant Cabinet Member

Submission of grant funding bids

- To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 2 General Delegations to Directors

and initiatives consistent with Council policies, following consultation with the relevant Cabinet Member, and to enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Standing Orders

Complaints

- To take action regarding complaints received
- To settle any Ombudsman / Complaint Cases:
 - (i) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman
 - (ii) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer/~~Assistant Director of Corporate Governance~~
- To approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations

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PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

Section 3 DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS**Introduction**

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each Statutory Officer then follows.

Legislation	Statutory Power the Council must designate to an officer	Officer Designated as the Statutory Officer
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Director of Finance
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Assistant Director of Corporate Governance <u>Monitoring Officer</u>
S36 Freedom of Information Act 2000	Qualified person in relation to s36 of the Act.	Assistant Director of Corporate Governance <u>Monitoring Officer</u>
S6 Local Authority Social Services Act 1970	To appoint an officer known as the Director of Social Services	Director of Adults and Health
S18 Children Act 2004	To appoint an officer to carry out the functions listed under s18(2) of the Act (education functions; functions conferred on the authority under ss 10-12 and 17 of the 2004 Act, social services functions relating to children, functions under s75 of the Children Act 1989 and the National Health Service Act 2006 and those conferred on the authority under Part 1 of the Childcare Act 2006	Director of Children's Services
S73 National Health Service Act 2006	To appoint a Director of Public Health	Director of Public Health

PART THREE – RESPONSIBILITY FOR FUNCTIONS

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S72 Weights and Measures Act 1985	To appoint a chief Inspector of Weights and Measures	Senior Trading Standards Officer (or other suitably qualified Trading Standards Officer in the absence of a STSO in post)
S9FB Local Government Act 2000	To designate an officer as the Scrutiny Officer	Director for Customers Transformation and Resources

Functions delegated to the Head of Paid Service (Chief Executive)

1. To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally
2. Where he or she considers it appropriate to do so, to prepare a report to the authority setting out their proposals as to:
 - (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
 - (b) the number and grades of staff required by the authority for the discharge of their functions;
 - (c) the organisation of the authority's staff;
 - (d) the appointment and proper management of the authority's staff.
3. To be responsible for and take action in relation to Corporate strategy, policy initiatives and integrated planning and service delivery.
4. The corporate management of the Council and, specifically:
 - (a) Advice to the Council on the Policy Framework.
 - (b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis.
 - (c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Cabinet shall determine.
5. As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 officer) or the Monitoring

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief

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Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Director, the Chief Executive shall have the authority to determine which Director is to exercise that power.

6. To provide the 'certificate of opinion' for an employee on SCP44 or above making application to the Standards Committee for exemption of his/her post from political restriction under section 3 of the Local Government and Housing Act 1989 (opinion as to whether the duties of the post involve regularly giving advice to members or speaking to journalists/broadcasters).
7. The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
8. The power to determine that an "emergency" has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.
9. The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.
10. To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.
11. In the event that the Chief Executive is absent or unable to act for any reason, the powers in paragraphs 8, 9 & 10 above may be exercised by any other Chief Officer who is available to act.
12. The powers listed above relating to emergencies are granted subject to the provisions of Article 11.07 of this Constitution which set out the London Councils Arrangements for Co-ordinating the Response Emergencies.
13. In the event that all members of the Cabinet are removed from office under Article 7, to exercise all Cabinet functions in consultation with the Mayor until a new Cabinet has been appointed.
14. To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.
15. Taking all decisions relating to changes to the establishment for all staff including the Corporate Board and Statutory Officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

16. To take disciplinary action, not including dismissal, against any members of the Strategic Leadership Team or any Statutory Officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Part 4 Section K of the Constitution and agreed procedures.

Functions delegated to the S151 Chief Finance Officer (Director of Finance)

1. To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management activities
2. To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972
3. To contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice
4. To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council
5. To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992
6. To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003
7. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
8. To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988
9. To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988
10. To manage the Capital Programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

11. To approve the draft Council's Accounts and Accounting Policies and the draft Pension Fund Accounts by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2011
12. To exercise all responsibilities as Pension Fund Administrator for the LGPS not reserved to the Pensions Committee
13. To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to Directors which is reserved to the Staffing and Remuneration Committee
14. To exercise the functions of the duly authorised representative of the Council as the corporate member of Alexandra Palace Trading Limited
15. To provide financial information to the media, members of the public and the community

Functions delegated to the Monitoring Officer ~~(Assistant Director of Corporate Governance)~~

1. To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally
2. To ensure that the Council, its officers and its elected members maintain the highest standard of conduct
3. To contribute to the corporate management of the Council, in particular thorough the provision of professional legal advice
4. To establish and maintain the Members' Code of Conduct, dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity
5. To establish and maintain a register of interests of members and co-opted members of the authority in accordance with the provisions of the Localism Act 2011
6. To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
7. To receive and act on reports made by the Standards Committee
8. To consider complaints against members referred to him including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Standards Committee

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

9. To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to Council officers and members
10. To report to members on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989
11. To advise whether decisions of the Cabinet are in accordance with the budget and policy framework
12. To be responsible for the maintenance and operation of the Council's Constitution
13. To advise and assist the Democratic Services Manager with the proper performance of the Access to Information requirements
14. To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.

Functions delegated to the Director of Children's Services

1. To act as the Council's statutory Director of Children's Services
2. To carry out all functions as set out in s18(2) of the Children Act 2004 including:
 - (a) All education and children's social care functions conferred on or exercisable by the Council
 - (b) Making arrangements to promote co-operation between the authority and partners to improve the well-being of children
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of children
 - (d) The establishment of a Local Safeguarding Children Board
 - (e) The preparation and publication of a Children and Young People's Plan
 - (f) Improving preventative services and delivering earlier intervention
 - (g) Any functions exercisable by the authority under s75 the National Health Service Act 2006 on behalf of an NHS body and any functions exercised pursuant to an arrangement made under s10 of the

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief

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Children Act 2004 to include making arrangements for the management of services provided

3. To provide strategic management and direction for Children's Services across the Council
4. To secure that there are sufficient youth justice services available in the Borough
5. To appoint an interim executive board to a school which is eligible for intervention subject to the agreement of the Secretary of State
6. Education services will be led by the Assistant Director of Schools and Learning who is responsible for education services functions on behalf of the Council. Commissioning within Children's Services will be led by the Assistant Director of Commissioning who is responsible for the commissioning of children's and adult social care functions on behalf of the Council. The Accountability Protocol for the Director of Children's Services sets out the arrangements in place to enable the Director of Children's Services to meet all statutory responsibilities and ensure the effective integration of all services for children and young people in the borough
7. Commissioning in common with the Director of Adult Social Services to meet relevant care needs in the borough.

Functions delegated to the Director of Adults and Health Services

1. To act as the Council's statutory Director of Adult's Social Services in accordance with s 6 Local Authority Social Services Act 1970
2. To be accountable for the delivery of local authority social services functions as set out in Schedule 1 Local Authority Social Services Act 1970 in respect of adults and other than those which the Director of Children's Services is statutorily responsible, including:
 - (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
 - (b) Responsibility for assessing, planning and commissioning adult social care and wellbeing services to meet the needs of all adults with social care needs in the borough
 - (c) Making arrangements for ensuring that functions are discharged having regard to the need to safeguard and promote the welfare of vulnerable adults
 - (d) Professional leadership including workforce planning

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

- (e) Leading the implementation of standards
 - (f) Managing cultural change
 - (g) Promoting local access and ownership and drive partnership working
 - (h) Delivering an integrated, whole system approach to supporting communities
 - (i) Promoting social inclusion and well being
 - (j) Improving preventative services and delivering earlier intervention
 - (k) Any functions exercisable by the authority under S75 National Health Service Act 2006 on behalf of an NHS body to include making arrangements for any services provided
 - (l) Commissioning in common with the Director of Children's Services to meet relevant care needs in the borough
3. To provide strategic management and direction for Adult's Services across the Council

Functions delegated to the Director of Public Health

1. All functions of the statutory Director of Public Health to take steps to improve health in accordance with section 73A and 73B National Health Services Act 2006 including:
- (a) the responsibility for mandated public health functions of the local authority
 - (b) planning for and responding to emergencies that present a risk to public health
 - (c) the cooperation of the authority with the police, probation service and prisons service to assess the risk posed by sexual and violent offenders
 - (d) to give views on licensing applications and on the statement of licensing policy in accordance with the Licensing Act 2003
 - (e) the provision of healthy start vitamins, oral health promotion programmes and oral health surveys
 - (f) to prepare and publish an annual report on the health of people in the area

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief

Executive and Statutory Officers

2. To provide leadership, expertise and advice on all aspects of the Public Health Service including advice on outbreaks of disease and emergency preparedness
3. To promote health and wellbeing to reduce health inequalities
4. Preparation of the joint strategic needs assessments and joint Health Wellbeing Strategy
5. To provide the public with advice on health matters
6. To promote action across the 'life course', working together with local authority colleagues such as the Director of Children and Young People's Services, the Director of Adults and Housing Services and with NHS colleagues
7. To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
8. To work with local criminal justice partners and police and crime commissioners to promote safer communities
9. To work with wider civil society to engage local partners in fostering improved health and wellbeing
10. To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board
11. To contribute to and influence the work of NHS commissioners, ensuring a 'whole system' approach across the public sector
12. To have regard to the NHS Constitution in exercising public health functions

Functions delegated to the Chief Inspector of Weights and Measures (Senior Trading Standards Officer)

1. To be responsible to the local weights and measures authority for the custody and maintenance of the local standards, working standards and testing and stamping equipment provided for the area for which he was appointed and generally for the operation of the arrangements made to give effect in that area to the purposes of this Act and the packaged goods regulations.

Functions delegated to the Statutory Scrutiny Officer (Director for Customers, Transformation and Resources)

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 3 Delegations to the Chief Executive and Statutory Officers

1. To promote the role of the authority's overview and scrutiny committee or committees,
2. To provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,
3. To provide support and guidance to—
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,in relation to the functions of the authority's overview and scrutiny committee or committees.

Part Four, Section K

Officer Employment Procedure Rules

1. Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, the Mayor or officer of the Council; or of the partner of such persons.
- (ii) Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.
- (iii) No candidate so related to a councillor, the Mayor or an officer will be appointed without the authority of the Assistant Director for Human Resources or an officer nominated by him/her.
- (iv) Every Member and senior officer of the authority who knows of a relationship to a candidate for appointment must report the details to the Assistant Director for Human Resources.

(b) Seeking support for appointment.

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or the Mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No councillor or the Mayor will seek support for any person for any appointment with the Council. This rule does not prevent a Member from offering or providing a written reference about a candidate but the Member shall not take part in the appointment process involving that candidate.

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

2. Recruitment of Head of Paid Service, ~~and~~ Directors* and Statutory Officers*

Where the Council proposes to appoint a Head of Paid Service, ~~or~~ a Director or a Statutory Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
- (d) all applicants for the post shall be interviewed, or a short list of the more suitable applicants shall be drawn up and those applicants shall be interviewed.

3. Appointment and dismissal of Head of Paid Service, dismissal of Chief Finance Officer and Monitoring Officer

- (a) The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Staffing and Remuneration Committee.
- (b) The Council may only make or approve the appointment of the Head of Paid Service where:
 - (i) no objection has been made by any member of the Cabinet, or
 - (ii) if any objection is made, the Staffing and Remuneration Committee has declared itself satisfied that the objection is not material or well-founded
- (c) The procedures in (a) and (b) above will apply to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

*the terms Director and Statutory Officer ~~have~~ the meaning given at Part 3 Section E Section1; 2.01 of this Constitution

PART FOUR – RULES OF PROCEDURE
Section K– Officer Employment Procedure Rules

4. Appointment of Directors

- (a) The Staffing and Remuneration Committee will appoint Directors.
- (b) The procedures in (a) above will not apply to the appointment, dismissal or discipline of the Chief Executive of the Alexandra Palace and Park charity. Instead, the Chief Executive acting in his/her charity capacity will take the decisions to appoint, dismiss or discipline that Chief Executive in consultation with the Alexandra Palace and Park Board or its appointed Panel.
- (c) An offer of employment as a Director shall only be made where:
 - (i) no objection has been made by any Cabinet Member, or
 - (ii) if any objection is made, the Staffing and Remuneration Committee or the Chief Executive is satisfied that the objection is not material or well founded.
- (d) The procedures in (a) and (c) above will apply to the dismissal of Directors except that (b) and (c) will apply to the dismissal of the Chief Executive of the Alexandra Palace and Park charity.

5. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by the Assistant Director for Human Resources in consultation with the ~~Assistant Director of Corporate Governance~~Monitoring Officer.

6. Other appointments

- (a) Appointment of all other officers (other than assistants to political groups) will be made by the Head of Paid Service or his/her nominee.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary action

- (a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) Independent Panel. No other disciplinary action may be taken in respect of any of those officers until the Authority has invited relevant independent persons to

PART FOUR – RULES OF PROCEDURE

Section K– Officer Employment Procedure Rules

form an Independent Panel to advise on such matters as set out in the Local Authorities (Standing Orders)(England) Regulations 2001.

- (c) Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

8. Dismissal

- (a) Independent Panel. In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001, before the taking of a vote at the relevant meeting on whether to approve or not a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

- (i) any advice, views or recommendations of the Independent Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the relevant officer.

- (b) Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

9. Definitions

In these Rules:

- "Director " has the meaning given at Part 3 Section E Section 1; 2.01 of this Constitution and shall include the following officers:
 - Members of the Corporate Board
 - All Directors and Assistant Directors
 - The Chief Executive of Alexandra Palace & Park(as appropriate)

"Corporate Board" means:

- The Director for Environment and Neighbourhoods
- The Director for Housing, Regeneration and Planning
- The Director for Children's Services
- The Director for Adults and Health
- The Director for Customers, Transformation and Resources
- The Director for Finance

Report for: **Staffing and Remuneration Committee**

Title: **HR Policy Review**

Report

authorised by: Richard Grice - Director for Customers, Transformation & Resources

Lead Officer: Dan Paul, Chief People Officer

Ward(s) affected: **N/A**

Report for Key/

Non Key Decision: **N/A**

1. Describe the issue under consideration

To provide the Staffing & Remuneration Committee with an update regarding the rolling review and revision of HR Policies and Practice Notes.

2. Cabinet Member Introduction

Not required for the S&R Committee.

3. Recommendations

That the report on HR Policy Review be noted.

4. Reason for decision

Not applicable.

5. Alternative options considered

Not applicable.

6. Background information

6.1 Each set of HR policies and procedures are arranged in two documents. The policy is a short concise document explaining what the organisation is trying to achieve, to whom it applies, the key provisions and the core principles and accountabilities.

6.2 The practice notes on the other hand expand on the policy to set out in more detail the organisation's operational requirements. The practice note summarises the roles and responsibilities as they relate to managers, individuals, the HR team and, where appropriate, staff representatives.

6.3 HR policies scheduled for approval by the Staffing & Remuneration Committee go through a comprehensive consultation process, as set out below, to ensure that all stakeholders have the opportunity for comment.

- New or updated version formulated by HR

- Legal services provide comments regarding new or amended legislation and / or case law
- Key stakeholders including the trades union, staff networks and directorate management representatives are invited to comment on proposed changes
- Corporate Board consider the drafts of all new and revised HR policies
- Approval of final version by S&R Committee

The time it takes to complete the stages varies depending on the amount of revision needed, the complexity of the content and the timing of governance meetings.

- 6.4 Once the policy has been approved HR will launch an agreed communication and training plan to make sure that staff are made aware of the changes and where they can access the information. We will also that line managers are aware of their role in carrying out the day to day practical application of the policy.
- 6.5 For ease of review, signposting and navigation we have grouped the HR policies into clusters. The cluster titles include:
- Family Friendly – Adoption, Maternity, etc.
 - Leading & Coaching – Grievance, Code of Conduct, etc.
 - Managing Change – Restructuring, Redeployment, etc.
 - Resourcing – Recruitment, Induction, etc.
 - Work & Wellbeing – Flexible Working, etc.
- 6.6 Staffing and Remuneration Committee are required to approve policy revisions and new policies (unless they are a legal requirement, in which case the revision or new policy will be reported to the Committee at the earliest opportunity). The Committee is not required to approve practice notes, as these simply explain the policy that has already been approved. Practice notes are formulated by HR and consulted as appropriate depending on the subject and complexity.

7. Statutory Officers' comments

7.1 Legal Comments

It is noted that this report is for information only.

7.2 Finance Comments

There are no financial implications arising from the contents of this report. The Policy Reviews listed in Appendix A may have financial implications which will be dealt with in those reports at that time.

7.3 Equalities Comments

The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;

- Foster good relations between people who share a relevant protected characteristic and people who do not share it;
- A “relevant protected characteristic” is age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The HR Policy Review supports the Council's approach to the management of its workforce in a way that is accountable, fair and transparent. **Use of Appendices**

7.1. Appendix A – HR Policy Review Work Schedule

7.2. Appendix B – Inventory of guidance available on the HR intranet pages.

8. Local Government (Access to Information) Act 1985

Not Applicable

Appendix A – HR Policy Review Work Schedule

Title	Action
Recruitment Policy and Practice Notes	Revision of current policy to inform the design of the insorced recruitment activities.
Redundancy Policy & Practice Notes	Revision of Restructure and Redeployment policies and procedures to arrive at a comprehensive redundancy provision fully compliant with the recommendations from current consultations.
Capability Policy and Practice Notes	To refresh existing policy.
Family Leave	Consolidation of existing arrangements into single document.
Purchasing Annual Leave	Update current provisions as part of the Council's flexible working offering.

Appendix B – Inventory of guidance available on HR intranet pages

Title	Category	Owner
Accident and Incident Management Procedure	Policy & Procedure	Health & Safety
Additional Duties (acting up) policy	Policy	Human Resources
Additional Premature Baby Leave		Human Resources
Adoption Leave Guidance for Managers	Guidelines	Human Resources
Adoption Leave Info Pack		Human Resources
Alcohol and Substance Misuse Policy	Policy & Guidelines	Human Resources
Bomb Threat Guidance	Guidance Note	Health & Safety
Bullying & Harassment Policy	Policy & Procedure	Human Resources
Capability Management Guidelines	Guidelines	Human Resources
Capability Procedure	Procedure	Human Resources
Essential user car allowance criteria	Guidelines	Human Resources
Car Parking Policy and Procedure	Policy & Procedure	Facilities Management
Car Staff Parking Policy and Procedure - FAQ's		Facilities Management
Changes to the Performance Appraisal Process	Procedure	Human Resources
Employee Code of Conduct		Human Resources
Code of Conduct (Social Media Policy)	Policy	Human Resources
Construction Design and Management Procedure		Health & Safety
Consultants Policy	Policy	Human Resources
H&S Consultation Between Managers and Staff	Guidelines	Health & Safety
Corporate Plan	Policy	Corporate
Dignity at Work	Policy	Human Resources
Disciplinary Procedure	Procedure	Human Resources
Disciplinary Management Guidelines	Guidelines	Human Resources
Summary Dismissal Procedure	Procedure	Human Resources
DBS Checks (Agency Workers)	Procedure	Human Resources
Display Screen Equipment Policy	Policy	Health & Safety
Display Screen Equipment Guidance	Guidelines	Health & Safety
Display Screen Equipment Exercises	Guidelines	Health & Safety
Using Display Screen Equipment	Guidelines	Health & Safety
How to use your Workstation correctly	Guidelines	Health & Safety
Driving - Work-related Road Safety Policy	Policy & Procedure	Health & Safety
Elections Staffing Protocol	Protocol	Human Resources
Flexible Working Policy	Policy	Human Resources
Flexible Working - a simple guide	Guidelines	Human Resources
TOIL/Flexi-time Procedure	Procedure	Human Resources
Grievance Policy	Policy	Human Resources
Grievance Policy Practice Notes	Practice Note	Human Resources

Corporate Health, Safety and Wellbeing Policy	Policy	Health & Safety
Induction Policy	Policy & Procedure	Human Resources
Leave and Time Off Policy	Policy	Human Resources
Purchasing Additional Annual Leave Policy		HR
Legionnaires Disease Information Sheet		Health & Safety
Lone Working Guidance	Procedure	Health & Safety
Manual Handling Guidance Notes		Health & Safety
Manual Handling Lifting Techniques		Health & Safety
Maternity Employee Information Pack	Procedure	Human Resources
Maternity Guidance for Managers	Guidelines	Human Resources
Mediation Guidelines	Guidelines	Human Resources
My Conversation Guide	Procedure	Human Resources
Nominated Carers Leave Pack for Employees	Guidelines	Human Resources
No Smoking Central Wood Green Area	Guidelines	
No Smoking Civic Centre Area	Guidelines	
No Smoking Policy	Policy	
Parental Leave HR Advisory Note	Guidelines	Human Resources
Pay Calculator 2019-20		Human Resources
Payroll deadlines and rates 2019-2020		Human Resources
Employer on-costs 2019-20		Human Resources
LGPS Internal Disputes Resolution	Procedure	Pensions
Local Government Pension Scheme Guide		Pensions
Pensions Calculator 2016-17		Pensions
Pension Policy Statement on Communications		Pensions
Pension Policy Statement on Discretionary Power		Pensions
Pension Sharing on Divorce		Pensions
Ill Health Retirement Policy		Pensions
Survivor Benefits Changes		Pensions
Flexible Retirement Policy Statement	Statement	
Procedure for Flexible Retirement	Procedure	Human Resources
Provision and Use of Work Equipment	Procedure	Health & Safety
Recruitment and Selection Policy	Policy	Human Resources
Redeployment Policy	Policy	Human Resources
Redundancy and Pension Benefits (Non-teachers)	Policy	
Redundancy Retirement Benefits	Guidance	
Redundancy Calculation for Teachers	Policy	Human Resources
Employee Redundancy Calculator	Guidelines	Human Resources
Voluntary Redundancy Procedure	Procedure	Human Resources
VR1 Form (to apply for voluntary redundancy)	Procedure	Human Resources
Restructure Checklist	Guidelines	Human Resources
Restructure Policy	Policy	Human Resources
Risk Assessment Policy Guidance	Policy	Health & Safety
School Security Guidance	Guidelines	Health & Safety
Sickness Absence Management Guidelines	Guidelines	Human Resources
Sickness Absence Monitoring Policy	Policy	Human Resources

Sickness Absence Monitoring Protocols	Protocol	Human Resources
Sickness Absence Monitoring Trigger Point	Procedure	Human Resources
Sick Pay Entitlement	Policy	Human Resources
Fit Notes (Medical Certificates)	Guidelines	Occupational Health
Stress Management Policy and Guidance	Policy & Procedure	Health & Safety
Violence at Work Guidance	Guidelines	Health & Safety
Violence at Work Policy	Policy	Health & Safety
What is Mediation? Internal link	Guidelines	Human Resources
Whistleblowing Policy		Corporate Governance
Workplace Health, Safety and Welfare Policy	Policy & Procedure	Health & Safety
Workplace Temperature	Guidance	Health & Safety

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Let's Listen

Insights and opportunities

Throughout most of 2020 we were in lockdown; dealing with restrictions to our freedoms and the things we took for granted at a level that most of us had never before experienced. This included fundamental changes to our ways of working.

Through 'Let's Listen' we have taken the opportunity to share and explore people's experiences (good and bad) of working during lockdown, what can we learn from this, and how we can use this learning to improve how we work in the future.

We found that everyone's story is completely unique but equally important, and the wealth of insight gained has been analysed and refined into findings and opportunities. This information is shared within this document, with the intention that it will be used to shape future strategies and working practices enabling us to become a more resilient, agile and adaptive as an organisation.

We thank everyone who gave their time to participate in Let's Listen.

Let's Listen Focus Groups

- Facilitated by a diverse team of facilitators from a range of services
- Balanced the opportunity for reflection with a forward look
- Delivered virtually via MS Teams
- Relaxed and participative with no hierarchy – all views equally valid
- Included a pre-session poll to get the conversation started

Sessions delivered

10



Focus groups covering staff across all services

In all we captured the experiences and views of 108 staff.

What our aim was

- Explore what we have learnt from the experience of lockdown
- Capture what the experience tells us about our working culture and how we want to work in future
- Consider what would we like to retain and what needs to change or be different in the future, and how we can make this happen

Let's Listen demonstrated inclusivity and a growth mindset. We sought to give staff a voice in shaping the future and helping make the Council more agile, adaptable and resilient

Thank you for the opportunity to share our experiences and ideas for change that will benefit the organisation and our residents

The key messages

Let's Listen

- The pandemic brought a powerful and unifying sense of purpose, especially early on
- People welcomed the pace of change and high energy in the first phase of lockdown, but this has now waned and has been replaced by high levels of fatigue
- The flexibility made possible by home working has been one of the most positive experiences of lockdown
- Despite this, many people are experiencing loneliness and finding it hard to get the right work-life balance away from the office. Work schedules are relentless, it's hard to switch off, and a back-to-back meeting culture prevails
- People have embraced and feel more confident with technology like MS Teams
- People feel valued and cared for by Haringey as an employer and welcome the increased attention on health, wellbeing and diversity
- The balance of strong and human leadership from the top is recognised, and regular update messages are appreciated
- Many managers are recognising that they don't have to see people to trust them. We need to ensure that the positive messages from the top about trust and empowerment consistently filter down locally
- Engagement levels in Council-wide initiatives is relatively low, suggesting more work in this area
- **The overarching message is that people don't want to go back to old ways of working and that there are many positive opportunities for change**

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A detailed summary of key themes, with positive and negative aspects, are provided in the following slides

"We have proven to be adaptable and resilient and there is certainly capacity for ways of working to change drastically to better meet the needs of staff and residents"

Reflections from the pre-session polls

Let's Listen

Reflecting on your personal experience of working since Covid-19 lockdown began...



What's worked well?



What hasn't worked well?

*These word clouds reflect the frequency of words used in the pre-session polls rather than the discussion at the focus groups themselves

1. Sense of purpose

People have experienced a common and unifying sense of purpose during Covid-19 and lockdown

“It can be really powerful when individuals come together, united in a common cause”

“I’m now better at drawing connections between the bigger strategic picture and the work I do at an operational level”

“A lot of people are willing to come together and step up in time of crisis and uncertainty despite their own fears and worries”

+

POSITIVES

- Common purpose and sense of focus (particularly during lockdown 1)
- High levels of energy and commitment, especially early on
- Quick to adapt to new priorities
- High paced working and decision making not slowed down by structure or bureaucracy
- Society’s perception of the value of local government has improved
- Greater resident focus and clarity of outcomes

-

NEGATIVES

- Pace and energy has waned as time has gone on and people are now feeling ‘lockdown fatigue’
- The unifying purpose is still there but less powerful than it was at the start
- Sense in some areas that our work has become more automated and less values driven – perhaps a consequence of more remote working

2. Working Practices

People welcome greater flexibility, especially being able to work from home, but there are problems of meeting overload, isolation and getting the right balance

“I like working flexibly in a quiet calm environment around my home commitments”

“We don't have to have really long meetings, often quick catch ups are good enough”

“Why did it take a pandemic to give us the ‘kick up the backside’ we needed to change our ways of working”

“It's too easy to work late when you are at home”

“This is not agile working – our rigid office working practices have simply been replicated in our homes”

+

POSITIVES

- The concept of work as a ‘place you go’ has been challenged
- Greater flexibility and choice over work schedules – not 9-5
- Better work-life balance and more time with family
- Shorter, more focused meetings
- Non-reliance on paper and manual processes
- Time, money and energy saved by not commuting

-

NEGATIVES

- Too many meetings, often back-to-back
- Feelings of isolation and loneliness
- Balancing work with home/family
- Difficulties establishing a workable routine
- Tendencies to work when you shouldn't - e.g. evenings, weekends or when you would previously have taken sick leave

3. Leadership

People have noticed and welcomed a more trusting, open and human style of leadership, especially from the top, but there is inconsistency in how this ethos is applied in practice

“When managers show vulnerability and transparency, this is a strength”

“Some managers have found new ways to micromanage remotely”

“Standards of professionalism and conduct have fallen, making it challenging to manage staff virtually”

“All staff need support but some more than others – you have to adopt a flexible leadership style”

“Teams check-ins and more responsibility for own workload negates the needs for so many management layers”

+

POSITIVES

- Visible, honest and human leadership from the top throughout lockdown has been welcomed
- Excellent direct communication from senior management and a care for wellbeing
- A more trusting and empowering approach from many managers
- Less scrutiny and micromanagement in some teams, and an increase in personal responsibility and self-management
- An understanding that leadership styles need to flex to the needs of different individuals and situations

-

NEGATIVES

- Inconsistency in management practices
- Management behaviour at a local level doesn't always match the corporate message
- New forms of 'presenteeism' – back-to-back meetings
- Some managers find it hard to manage performance remotely

4. Teamwork and collaboration

The impact on teamworking has been one of the most positive aspects of working during Covid, but people miss face-to-face interaction and it can be harder to make connections outside your team

“When people work together and are left to lead from the ground up, amazing progress can be made”

“Human beings, for the most part, are compassionate, strong, and care about each other”

“People's masks have been removed. Their true selves are revealed in these uncertain times”

“Our strength lies in being part of a community, we struggle to work and live in isolation”

+

POSITIVES

- Amazing levels of peer support, compassion and understanding
- Teams have unified to deal with new challenges
- Honest and regular team communications
- Better partnership working, especially in the early stages of lockdown
- Building relationships with new people and networks
- Lockdown has acted as a leveller, with more of our true selves revealed to colleagues

-

NEGATIVES

- People miss face-to-face interactions and informal networking
- A sense that the virtual world can reinforce rather than break silo working and discourage cross-organisational collaboration
- Some staff still don't engage in Council-wide events, activities and networks such as 'Let's Talk', 'Let's Listen', webinars or Yammer communities
- It has been harder to onboard new starters remotely

5. Organisational Culture

There has been a positive impact on many aspects of culture including adaptability, resilience, respect, kindness and personal growth, but people have found the 'always on' culture relentless and overwhelming

"We were more adaptable than perhaps we believed"

"I have developed my confidence greatly and have learnt new skills as I have had to step outside my role"

"Be kind to yourself (and others) more than ever! Forgive yourself when you are not being productive"

"Being at the front-line and under relentless pressure, it can be annoying when others complain about the stress of working from home"

+

POSITIVES

- Amazing levels of adaptability and resilience
- A kind and caring culture has developed, with a greater focus on wellbeing
- Greater understanding and respect for equality, diversity and inclusion and more open and honest discussion
- More innovation and experimentation – people are more willing to 'give it a go' and less afraid of failure
- There have been high levels of learning and personal growth
- People have talked about being able to bring more of their skills, talents and 'whole selves' to work

-

NEGATIVES

- People have often found the pace of work and work schedules relentless and overwhelming
- An 'always on' culture has emerged and an expectation when working remotely that you are always available
- People are 'busy being busy' but are they being productive? Where is the space for innovation and creativity?
- It can be hard to appreciate the different pressures that other people in different roles are under
- There can be low levels of engagement, suggesting a passive culture and a low sense of influence

6. Wellbeing

The negative impact on wellbeing has gradually increased during lockdown and is the most common concern for staff, but they recognise that the Council sees this as a high priority

“I thrived at the start of the lockdown but have found it more challenging lately working in isolation and maintaining good wellbeing everyday”

“I feel I have more choice and control over my life than I did at the start and developed coping mechanisms”

“I feel really supported – the Council has been very positive on wellbeing”

+

POSITIVES

- Due to homeworking, many people report increased physical health (such as doing more exercise) and mental wellbeing (such as a better work-life balance)
- Staff wellbeing has gone right to the top of the employee experience agenda
- Excellent resources and activities are available to support wellbeing
- A caring and kind culture has developed in most teams
- People are prepared to talk openly about wellbeing with managers and colleagues

-

NEGATIVES

- Covid-19 and lockdown has triggered unprecedented levels of pressure and stress, leading to danger of burnout
- There are relatively low levels of take up, and access to, the excellent wellbeing resources and sources of support
- Management behaviours can exacerbate poor wellbeing
- Inadequate homeworking environment can have a negative impact on physical wellbeing
- People feel pressure to work when feeling unwell
- Council initiatives and resources tackle the symptoms of poor wellbeing but don't always address the causes

7. Service Delivery

The Council has been quick to use technology to adapt its services and offerings, but faster, higher volume customer transactions and interactions can be at the expense of quality of care and resilience building

“Fast pace and target driven doesn’t allow for professional trauma-informed work which needs to be slow and purposeful”

“I feel like we’ve been fighting fires and not building resilience”

“I miss the value of the face-to-face interaction I used to have with residents”

“Being closer to the front line and directly helping residents has been motivating and I’ve brought new skills to work”

+

POSITIVES

- Amazing response to supporting the most vulnerable residents during lockdown
- Services quick to adapt their offer, such as Adult Education
- Quicker and higher volumes of transactions
- Technology makes it easier to communicate with parents and families
- Online access and communication enables higher volumes of transactions and interactions
- People have been trained up and redeployed to support front-line work helping residents

-

NEGATIVES

- Doing things quicker and at higher volume is not always good for the service user and the quality of care
- Some things are missed by not getting as close to residents.
- Vital support work during Covid has been necessary but has created too much dependency rather than empowering residents and building resilience
- Not all clients have access to technology

8. Systems and technology

The Council was well prepared for the overnight transition to homeworking and people have embraced technology and grown in confidence

“Using virtual meeting technology has saved time and been really helpful”

“Not everyone in the Council has a consistent basic level of understanding in the main Microsoft tools”

“As a Council we were particularly well prepared from an IT and digital point of view”

“I feel that we could go further with our use of technology and provide more support to staff to develop their skills”

+

POSITIVES

- The Council was technologically well prepared for remote working during lockdown
- People have quickly and successfully adopted new systems like MS Teams and have felt well supported by Digital Services
- Levels of IT confidence have grown
- There has been less reliance on paper-based systems and processes
- People have really benefitted from the growth in virtual learning, such as online webinars

-

NEGATIVES

- Reluctance to go further with some IT such as fully utilising Teams functionalities and using cloud-based storage for document sharing and collaboration
- Inconsistent access to high speed broadband has hampered some people's ability to use technology remotely

9. Work environment

People have welcomed the opportunity to work more from home but have missed the social aspects of office working. What most people want is choice and a balance, and we have the opportunity to rethink the purpose and design of our offices.

“We can work more creatively and flexibly, through a combination of working in the office and from home”

“Being able to come into work has helped keep me sane”

“It’s really hard for some people to WFH - often those on lower grades without an appropriate home environment”

+

POSITIVES

- The success of homeworking has strengthened the business case for property rationalisation and workspace redesign
- People understand the importance of balance and choice between home and office – not ‘all or nothing’
- Environmental impact of reduced office working – travel, energy consumption and printing

-

NEGATIVES

- People have missed the social aspects of office working
- Not having the right home working environment – issues of disparity between different staff groups (e.g. young people in shared rental)
- Higher energy consumption in homes
- Lockdown has highlighted the need to modernise our physical workspaces to adapt to new working practices

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Regularising the Senior Officer Pay System

Context: Reasons for Review

Organisational Context

- We have significantly fewer senior managers than in 2016.
- The demands on our managers are significant and have grown as we have reduced numbers
- These demands have increased through the pandemic and will continue into the foreseeable future.
- Dissatisfaction and morale issues amongst affected employees.
- Potential equalities issues.

History

- Previous performance pay scheme formally ended in 2015 with a 'buy out'.
- Revised scheme for senior officer pay introduced in 2016. The intention with this scheme was to allow for progression. This has not occurred. and in practice, all employees stay on the pay point they are appointed on. There is no progression.

Purpose of Review

To regularise the pay framework for senior managers with the rest of the workforce, allowing for structured progression and to ensure it is fair and equitable.

Pay Structure

S+R Committee at a previous meeting regularised the annual cost of living award process, linking the annual inflation based increase to the national negotiations. The Chief Executive, in line with the Pay Policy Statement, has now regularised the pay structure and progression by retaining the current pay bands and overall policy for Senior Officer remuneration whilst allowing for progression:

- Introduced 6 equally spaced spinal points within each pay band.
- Formalised progression arrangements through annual review process.
- Progression will not be automatic and increments will be withheld where performance is judged not to meet the required standard. New appointments will be on the bottom of scale unless objectively justified.
- Employees must be in post for 12 months to be considered for an increment
- No progression or additional payments for those on top of band.
- Only one increment may be awarded each year.
- This scheme is non-contractual.

Annual Review

- Line Manager agrees objectives and CPD at the start of the year. Includes any corporate objectives that postholder needs to deliver.
- Guidance will be provided by HR on the type of objectives that should be set and measured to ensure an equitable and fair decision.
- End of year review in March. Increments applied in April.
- Where performance means an increment is proposed to be withheld, this will be moderated by the Chief Executive in conjunction with the Director. HR will facilitate the process.
- Continue to use My Conversation approach for one to ones throughout the year to avoid 'end of year' surprises and retain a council wide approach.
 - For clarity, the increment judgement is a yes/no decision. The performance rating process is separate.

Implementation

- Implement new arrangements on 1 March 2021 and hold first pay review in March 2022, with increments then awarded in April 2022.
- Year 1 will require some movement to align employees with new spine points. Employees will be placed on the SCP next up from their current actual basic pay. This will give all a pay rise of varying amounts on 1 March 2021.
- The scheme has been equality impact assessed and there is a neutral impact on the current management population.

Costs

- There are 87 employees currently on senior manager contracts affected by this process. The total pay bill is c.£7.5m (£10.4m with on-costs)
- The initial implementation year of 2021/22 will cost £117k plus on costs (1.55% of the total pay bill)
- This is lower than the average increment awarded to the remainder of the workforce, where the gaps between increments in the nationally agreed pay structure are c.1.8%.
- The average gap between increments in the senior management pay structure is 3%.
- The overall increase in pay for the population will be lower than this as some employees reach the top of the band in the implementation year.
- For equality purposes, it is important that there are no more than 6 increments. In order to maintain the current pay structure and achieve this, the gap between increments can be no lower.

Payscale – no change to min and max

Level	Category	Step	Point 1	Point 2	Point 3	Point 4	Point 5	Point 6
A	Chief Executive	HC2	£185,600	£190,500	£195,400	£200,300	£205,200	£210,100
B	Directors / Asst. Directors	HB3	£146,400	£151,200	£155,900	£160,700	£165,400	£170,200
		HB2	£119,200	£123,100	£127,000	£130,900	£134,800	£138,700
		HB1	£102,300	£105,600	£109,000	£112,300	£115,700	£119,000
C	Heads of Service / Senior Prof. III	HC3	£86,700	£89,700	£92,700	£95,800	£98,800	£101,800
		HC2	£74,000	£76,500	£79,000	£81,600	£84,100	£86,600
		HC1	£63,900	£65,900	£67,900	£69,900	£71,900	£73,900

Examples

Position	New Salary	Pay increase
Example 1 - AD currently close to the bottom of the grade	£105,600.00	£3,261.00
Example 2 - AD currently close to the top of the grade	£119,000.00	£15.50
Example 3 - AD currently in the middle of the grade	£112,300.00	£1,638.25
Example 4 - AD currently in the middle of the grade	£112,300.00	£798.95
Example 5 - HoS currently close to the top of the grade	£101,800.00	£663.30
Example 6 - HoS currently close to the bottom of the grade	£76,500.00	£2,417.29
Example 7 - HoS currently in the middle of the grade	£67,900.00	£717.78

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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