

Report for: Cabinet 16 January 2018

Title: Shared Digital governance model review, including staffing implications

Report authorised by: Richard Grice

Lead officer: Ed Garcez | 020 7974 4583 | ed.garcez@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key decision:** Key

1 Describe the issue under consideration

- 1.1 This report fulfils the requirement of the Joint Committee in its terms of reference to make recommendations to the Cabinets/ Executives following a consideration of the Governance options for Shared Digital.
- 1.2 This report follows consideration by the Shared Digital Joint Committee (on 30 October 2017) of governance options for the shared service with Camden and Islington. The terms of reference for the Shared Digital Joint Committee required that the Joint Committee, by October/ November 2017, receive and consider a detailed report setting out governance model options and make recommendations to the Cabinet/ Executive of each of the Councils in respect of the options.
- 1.3 The report is coming to Cabinet as required by the Shared Digital Joint Committee terms of reference and sets out the Joint Committee's recommendations. It builds on work with the Joint Committee Cabinet Members, the Councils' Chief Executives and senior officers over the summer to assess and consider governance models and sets out the reasons for the recommended option.

2 Cabinet Member Introduction

- 2.1 This report recommends that the Joint Committee model be refined to address the issues set out in paragraph 5.4 and that the service be governed under a 'lean' Joint Committee model.
- 2.2 The interim 'secondment' arrangement currently in place is not considered sustainable in the long term and will not establish a high-performing single team that retains and attracts the best Digital and ICT staff.
- 2.3 The 'do nothing' option is not recommended for the reasons set out in paragraph 5.4 below.

2.4 In the September report to Cabinet on changes to the terms of reference for the Shared Digital Joint Committee, I also highlighted that, due to restrictions of our Constitution lower value procurement decisions, over £500,000 but under £2m, which could be taken by the Chief Digital and information Officer for Camden and Islington, would be taken forward as Cabinet Member key decisions in Haringey. This was for an intermediate period until a review of the current Joint Committee model. Since this has now been completed, and the transfer of the operation of ICT-related functions to Camden's Executive proposed, these lower value procurement decisions for ICT related functions, not reserved to the joint committee, are also transferred to Camden's Executive subject to the Chief Digital Information Officer being authorised to take such decisions where spend is below £2m for any one Council or below £6m for the three Councils, under the general direction of an officer Shared Digital Management Board. This is permitted under, Part 2 Article 10.04 (b) of our Constitution which states that 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.

3 Recommendations

3.1 The following decisions, which are by necessity technical in nature, will in summary for all three Councils achieve the following:

1. Transfer the ICT function of both Haringey and Islington to Camden including staff who will TUPE on 1 April 2018.
2. Transfer the decision making for the ICT functions for Haringey, Islington and Camden to either a new and reconstituted lean Joint Committee or via Camden's usual delegation arrangement to the Executive Director Corporate Services to be undertaken by the Chief Digital and Information Officer.
3. To approve the underlying consultative management arrangements noting that these will develop as the service itself develops.
4. Delegate authority to allow the necessary further supporting documentation to be completed in support of the arrangements.

Therefore, and further to the recommendations from the Shared Digital Joint Committee at Appendix 3, the Cabinet is asked:

3.2 That further to the recommendations from the Shared Digital Joint Committee at Appendix 3, the Cabinet

3.3 To note the options set out in the detailed 'Shared Digital Governance Model Options' report at Appendix 1 prepared by Activist Group following extensive work since March 2017 with Councillors and senior officers.

3.4 To approve the adoption of the governance model for Shared Digital set out as Option 1 (a 'lean' Joint Committee model in paragraphs 4.5 to 4.14 of this report and paragraphs 4.5 – 4.9 of Appendix 1) based on the outcomes framework at Table 2.4, paragraph 2.26 of Appendix 1 with a commencement date of 1 April 2018 (throughout this report 'the Commencement Date' means 1 April 2018).

- 3.5 To approve, pursuant to Regulations 9 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 ('the Regulations'), that as from the Commencement Date:
- (i) those parts of Haringey's ICT service and function (including the procurement of ICT related services, equipment and software) specified in paragraphs 6 to 16 of the attached terms of reference set out at Appendix 4 be jointly exercised with the London Boroughs of Islington, Haringey and Camden by a Joint Committee
 - (ii) that the current Joint Committee be reconstituted with the terms of reference at Appendix 4 with effect from the Commencement Date
 - (iii) that the Joint Committee will consist of two elected Executive/ Cabinet Members from each Council, normally for an annual term, with the term and appointment to be decided by the Leader.
- 3.6 To approve, pursuant to Regulation 5 of the Regulations that those parts of the executive function of Haringey's ICT not transferred to the Joint arrangements specified in paragraph 3.5(i) above and Appendix 4 be delegated to and discharged by the Executive of the London Borough of Camden as from the Commencement Date subject to the arrangements set out in paragraph 4.7.
- 3.7 To approve Camden as the host Council and note the impact on the proposed staffing arrangements set out in section 4.16 of this report as a result of the decisions at paragraphs 3.4 to 3.6 above namely that Haringey and Islington ICT staff will transfer to Camden (as the host authority) under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and to agree that as a result Camden will be responsible for employing staff engaged to deliver the Shared ICT service.
- 3.8 To approve the creation of a Shared Digital Management Board, accountable to the Shared Digital Joint Committee, to manage the service, with an appointed Director from each Council amongst other key members of staff to be appointed from each Council and the Chief Digital and Information Officer (or suitable alternative). Terms of reference for the Shared Digital Management Board set out in Appendix 6.
- 3.9 To give due regard to the equalities implications as summarised in paragraph 8.16 – 8.18.
- 3.10 To note that the Cabinet of Camden are considering a recommendation to be the primary host authority in the Shared Service, and to accept the delegation from Haringey and Islington. The Executive of Islington are also considering a recommendation to delegate to Camden (as the primary host authority in the Shared Service) the delivery of ICT services in like terms and that the recommendations set out in this report, if agreed, will only be implemented if the Camden Cabinet and Islington Executive agree the equivalent and related recommendations that they are considering.
- 3.11 To note that a memorandum of understanding will accompany the Inter-Authority Agreement and will set out the boroughs commitments to partnership

working behaviours and to note the shared ICT service success factors in Table 0.1 of Appendix 1. The Inter-Authority Agreement and memorandum of understanding will be in keeping with the intentions and agreements of this report and appendices.

- 3.12 To delegate authority to the Director, Transformation and Resources, in consultation with the Assistant Director of Corporate Governance/ Monitoring Officer, to take all necessary steps to put arrangements for the new governance model into effect as set out in this report including but not limited to finalising the terms of the inter-authority agreement and any changes to it and for the operation of the 3 way Shared Digital service.
- 3.13 Further to recommendation in paragraph 3.5 (iii) above, the Leader is asked to appoint the Cabinet Member for Corporate Resources and the Cabinet Member Finance and Health to the reconstituted Shared Digital Joint Committee from the commencement date of 1 April 2018 until the end of the 2017/18 Municipal Year.

4 Reasons for decision

- 4.1 Camden, Haringey and Islington Councils recognise that sharing their Digital and ICT services efficiently and effectively will bring many benefits, including saving money, improving performance and resilience, and sharing learning to support better digital services to citizens and residents.
- 4.2 Shared Digital was established using a Joint Committee governance structure. The terms of reference for the Shared Digital Joint Committee required that the Joint Committee, by October/ November 2017, receive and consider a detailed report setting out Governance Model Options for Shared Digital and to make recommendations to the Cabinet/ Executive of each of the Councils in respect of the report. Options to be evaluated to include the Joint Committee model as well as company models.
- 4.3 The current governance of Shared Digital is underpinned by a legal agreement and terms of reference for the Shared Digital Joint Committee. The legal agreement works within the framework of the Local Government Acts 1972 and 2000, and the Localism Act 2011, which give Local Authorities powers to delegate the discharge of functions to another Local Authority or to a Joint Committee, and to make staff available ('place' staff) in order to discharge the functions in accordance with s113 Local Government Act 1972. Section 113 of the Local Government Act 1972 enables staff of local authorities to be placed at disposal of other local authorities, subject to consultation. Staff are essentially shared by a form of secondment, in which staff remain employees of their original authority for employment and superannuation purposes, but may also take delegated decisions on behalf of the authority they have been seconded to. At the inception of Shared Digital, ICT staff in the Councils were issued with a Section 113 notice and have received recent confirmation that this arrangement continues indefinitely pending any further decision stemming from the conclusion of the review undertaken by the Joint Committee or change to the shared service which impacts on this arrangement.

- 4.4 From March 2017, a Governance Model Review Project was set up to fulfil the commitment to find the right governance model for Shared Digital in two phases:
- **Phase 1** was completed in July, and focused on exploring the future and helping the three partner boroughs to develop a shared understanding of the options available for the governance of their shared service, and to confirm their future ambitions (narrowing down options for detailed review in the options report).
 - **Phase 2** has investigated the options from Phase 1, and set out in detail an assessment of the two main options (a 'lean' Joint Committee and a public service company) for the Joint Committee to consider. This is set out in the discussion report attached as Appendix 1 to this report.
- 4.5 On 30 October 2017, the Joint Committee considered the report attached as Appendix 1 and agreed to recommend the more efficient and effective lean joint committee model to the Camden, Haringey and Islington Cabinets and Executive. The implications of this are set out in the paragraphs that follow.
- 4.6 In this model Haringey and Islington will directly delegate their Digital and ICT services to Camden as 'host' authority under s101 of the Local Government Act 1972 (this is the model used by Brent, Lewisham and Southwark for their shared ICT service) but with strategic matters and high value procurements reserved to the Joint Committee as set out in the recommended terms of reference in Appendix 4. Haringey and Islington delegating their ICT service to Camden under s101 will trigger the transfer of staff, and TUPE will ensure that staff rights are protected in the transfer. An example of how this might work is shown in Appendix 2 (How typical decisions will be taken, and how responsibilities will work in the proposed governance model).
- 4.7 This delegation would include managing the service and making day-to-day operational decisions about the service subject to strategic direction by the Joint Committee and result in staff being employed by Camden as a result of the application of TUPE. The operational and day-to-day management of the service would fall to Camden, and would be managed as such. The delegation of the Councils' ICT services to Camden would be subject to Camden's cabinet agreeing to delegate responsibility for day to day management, operation, delivery of the shared ICT service and procurements not reserved to the joint committee, at the levels set out in paragraph 4.8 to the CDIO, via the Executive Director Corporate Services to whom the CDIO reports. Decisions on the delegated ICT functions will therefore be taken by the CDIO rather than by the Camden Cabinet or individual Camden Cabinet member. Camden would be required to exercise the delegated ICT function in accordance with the business plan, work plan and ICT strategy agreed by the Joint Committee and in accordance with the agreed budget for the Shared ICT service.
- 4.8 The delegation to the Joint Committee by Camden, Haringey and Islington has no financial ceiling. Digital or IT spend exceeding £2m for any one council, or exceeding £6m for the three Councils (whether capital or revenue), is reserved for the Joint Committee. In the 2017/18 financial year 4 contracts are expected

to exceed these thresholds. The governance proposed and set out in Appendix 4 would mean based on current levels 4 procurement strategy reports and 4 contract award reports for the Joint Committee to consider. Spend below £2m for any one Council, or below £6m for the three Councils, would be delegated to the CDIO and generally would not be a key decision under Camden's constitution.

- 4.9 Staff would be transferred to Camden under TUPE Regulations and their existing terms and conditions will be protected under this arrangement. Pension fund arrangements will need to be examined and addressed by the three Councils as part of the transfer due diligence.
- 4.10 The arrangements would be underpinned by an inter-authority agreement which, amongst other matters sets out service descriptions and the roles and responsibilities of Camden as host authority, Haringey and Islington and the Joint Committee and mutual expectations generally.
- 4.11 The Joint Committee would approve business plans and strategies; monitoring high-level progress against the business plans and financial budgets.
- 4.12 Re-casting the arrangements to include consistent and specific delegations to Camden as the host authority and to the Joint Committee would streamline decision-making while retaining transparency and accountability. The principles of a governance framework to support the 'lean' Joint Committee are set out Table 4.1, paragraph 4.7 of Appendix 1.
- 4.13 The governance framework aligned with the lean Joint Committee is made-up of four key elements (see the graphical representation in Appendix 5):
 1. The **Shared Digital Joint Committee** approves the service budgets, business plans and strategy. It monitors progress against the business plan and takes strategic decisions about the service and high value procurement decisions at a level to be decided by the three Boroughs. It maintains democratic accountability and oversight, avoiding the need for the service to work through three decision-making processes. It will be decision making.
 2. The **Shared Digital Management Board** is the strategic interface to the three Councils, advocating for the shared service and ensuring that key priorities are reflected and optimised in the portfolio. It is the portfolio board for shared programmes, resolving conflict and ensuring that transformation effort is focused and delivering effectively. The Shared Digital Management Board will support the development of the service and its strategies and decisions, ensuring borough interests are represented and responded to. It will oversee the realisation of savings and consider investment plans, ensuring that the CDIO has the support and resources needed to succeed. It is a consultative board which shall be informative to the CDIO and Shared Digital Joint Committee, where decisions will rest.

3. **Priority shared digital transformation themes/** programme boards for each of the key transformation themes. These are each jointly chaired by a senior officer from each of the three Councils. These boards will ensure that demand is managed and prioritised, and that service and digital resource is effectively allocated to the projects that matter most. The co-chaired programme boards ensure that sponsorship of each programme is distributed across the three Councils.
 4. The **Shared Digital Senior Leadership Team** is responsible for day-to-day delivery of transformation programmes and operational ICT services. The SLT reports operational matters to the Shared Digital Management Board on an exceptional basis, and coordinates regular monthly highlight reports for the Shared Digital portfolio to report to the Shared Digital Management Board. The SLT acts as a first point of escalation for programme boards.
- 4.14 Based on work undertaken with stakeholders across the Councils as part of the early Shared Digital engagement sessions, and refined through the Governance Model Review work led by Activist Group, primary and secondary outcomes were identified as shown in paragraph 2.26 (Table 2.4) of Appendix 1. These will shape the priorities for the service for the next 2 to 3 years.
- 4.15 What are the key impacts/ risks? How will they be addressed?**
- 4.16 If the recommendation to adopt Option 1 is approved by the Cabinet/ Executive of the Councils then Camden will be responsible for employing staff engaged to deliver the Shared ICT service. As a result of the delegation of the service under this model, as stated in paragraph 4.9, Haringey and Islington ICT staff will transfer to Camden (as the host authority) under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), (as amended). Pension arrangements and liabilities arising from transferring staff will need to be determined. Camden, Haringey, and Islington will be required to comply with their obligations under the TUPE regulations. The Council's respective procedures on managing change and informing and consulting with departments, staff and the respective unions will be followed in respect of all affected staff where applicable.
- 4.17 An increase in the number of stakeholders for the service can reduce the effectiveness and speed of decision making. The recommendation in this report is intended to counter this risk by proposing a governance model that balances transparency and oversight with simplified decision-making processes.
- 4.18 Differences in organisation strategies and priorities will limit the benefits that shared services can deliver. Early indications show that there is a high level of alignment across Camden, Haringey and Islington. The proposed theme boards will encourage closer working across service areas to support alignment, shared thinking and learning.
- 4.19 Different organisation cultures and a loss of local identity/ control of the service can result in increased intervention, reducing the efficiency of the service and

compromising benefits. By opting for a Joint Committee model, and a layered governance approach, shared strategic leadership of the service is emphasised. Ongoing relationship development will, over time, strengthen ties and build trust.

- 4.20 The risk of a future change in direction from any of the boroughs would mean needing to untangle all or part of the shared service arrangement. This risk could be mitigated by moving to a 'Shared Digital Lite' model, where the Councils share core infrastructure and commodity ICT, repatriating strategic Digital and transformation elements of the service.
- 4.21 What actions will be taken and when following the decision and how will this be monitored?**
- 4.22 Camden and Islington officers are presenting reports to their respective Cabinets in relation to this delegation and future Shared ICT service. Subject to their approval steps will be taken to implement the lean joint committee with the implications set out in paragraph 4.5 to 4.14.
- 4.23 The report recommends the Cabinet delegate authority to the Director, Transformation and Resources, in consultation with the Assistant Director of Corporate Governance / Monitoring Officer, to take the necessary steps to put the arrangements into effect including but not limited to finalising the terms of the inter-authority agreement and any changes to it and for the operation of the 3 way Shared Digital service.
- 4.24 The Council's respective procedures on managing change and consulting with departments, staff and the respective unions will be followed in respect of all affected staff where applicable.
- 4.25 If the recommendation to approve Option 1 is not agreed by the three Councils then the status quo will be maintained as set out in paragraph 5.4 below.

5 Alternative options considered

- 5.1 There are three options, to adopt one of the two models: a 'lean' Joint Committee model or a company model as identified and evaluated in the detailed report (Appendix 1), or to maintain the status quo.
- 5.2 **Option 1:** to approve the recommendations of the Joint Committee and adopt a 'lean' Joint Committee, similar to the current arrangements, with some streamlining – see the following paragraphs of Appendix 1 for more detail:
- discussed in paragraphs 3.7 to 3.14
 - specific detail on the model in paragraphs 4.5 to 4.8
 - evaluation in paragraphs 4.9

Option 1 is recommended as set out in paragraphs 4.5 to 4.14.

- 5.3 **Option 2:** not to approve the recommendations of the Joint Committee and instead opt for a public service company that would be jointly owned by the three partners – see paragraph 4.10 of Appendix 1 for more detail.

Options 2 is not recommended at this time as it is considered on balance that the lean JC model will be able to satisfactorily develop this project at this time.

Should the Councils wish to trade services in the future, a trading arm could be established to facilitate that. The three Councils could set up a publicly owned company (without requiring a procurement exercise providing they all take part in the control of the company (this is often called the 'Teckal exemption')).

The company could offer a proportion of its services commercially to external customers up to a maximum of 20% of its turnover. If that threshold is exceeded the company will lose its Teckal exemption and the work undertaken by the company on behalf of its owning bodies will need to be put out to tender by those owning bodies in line with public procurement regulations.

Legal arrangements for a company owned by local authority partners would need to be put in place and a board of directors would need to be established.

- 5.4 **Option 3:** do not approve the recommendations of the Joint Committee and maintain the current governance model.

Option 3 is not recommended. The current model cannot address the three fundamental issues that have been identified and which need to be resolved if the shared service is to meet the Councils' ambitions (see Table 2.3, paragraph 2.25, of Appendix 1), ie:

- **Complex decision-making:** current decision-making processes and delegations are complex and introduce unnecessary risks and delays.
- **Constitutional differences:** there is currently a divergence in views as to the operation of the arrangements and some ambiguity over some of the provisions which should be addressed by the recommended option.
- **Diffuse employment arrangements:** the current arrangements for employment (with three employers) adds complexity and impedes the formation of a cohesive and focussed organisation.

- 5.5 To meet the Councils' ambitions, and provide stability for staff in the service, a new governance model is needed.

6 Background information

- 6.1 A series of engagement sessions have taken place with senior officers and Members from Camden, Haringey and Islington, around the governance model detailed in this report and associated appendices, including:
- meetings with the Legal services on 22 and 29 September
 - meetings with the Shared Digital Delivery Board on 22 and 29 September

- meetings with members of the Shared Digital Joint Committee on 24 July (at an informal meeting), and in a series of interviews over the second half of September
- meetings and calls with the three Chief Executives in September and October

6.2 Staff across the service have been advised that this review of governance options is underway and there have been informal discussions at staff 'huddle' meetings. Further consultation with staff on transfer will take place, subject to the decision of the Councils' Cabinet/ Executive.

7 Contribution to strategic outcomes

7.1 The proposals will allow us to optimise the delivery of Digital and ICT services, supporting efficiency and digital service improvements to residents.

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

8.2 The implications below are agreed across Camden, Haringey and Islington.

8.3 The two options for proposed governance models of Shared Digital presented in this report will carry different financial implications. Whichever governance model is chosen, any associated costs would be shared equally between the three Councils, as per the agreed financial approach for Shared Digital, and additional funding will need to be identified to support this.

8.4 The lean Joint Committee option builds on the current governance model, and no significant cost increase would be expected. The public services company model will incur additional governance and set up costs. These are as yet unquantified but further due diligence, including professional legal and tax advice, will be needed for a detailed assessment of financial implications.

8.5 The transfer of staff under TUPE would result in the transfer of pension liabilities to the host employer's pension fund, with accompanying proportional transfer of assets to be determined by actuarial valuation. Cost associated with the transfer would also be shared equally between authorities as per the agreed financial approach. The arrangements for cost of staff transferred under TUPE will be covered by the wider arrangements for ongoing cost of service, and align with the funding agreements across the three councils.

8.6 Procurement

8.7 If the transfer is agreed procurement of operational services will be undertaken by Shared Digital, operating within the Camden policies. The detail around the arrangements for procurement will be resolved as part of the transfer, if agreed.

8.8 Legal

- 8.9 The report recommends that each Council now re-cast the current arrangements for the delivery of a joint ICT service. In summary, it recommends:
- (i) That the operation of ICT-related functions are transferred to Camden which will as a consequence include the employment of staff (which will entail on the day this “delegation” takes effect a TUPE transfer of the relevant staff to Camden) subject to (ii) and (iii).
 - (ii) That the Joint Committee is re-constituted to provide strategic oversight on behalf of the three Boroughs including monitoring high-level progress on business plans, financial budgets and strategies and taking high value procurement decisions with other specified matters.
 - (iii) That lower value procurement decisions for ICT related functions not reserved to the joint committee are also transferred to Camden’s Executive under (i) above subject to the Chief Digital Information Officer being authorised to take such decisions under the general direction of an officer Shared Digital Management Board.
- 8.10 The Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) would apply to the transfer of the operation of the ICT-related functions to Camden as set out in this report. Accordingly, those Council employees who are assigned to the carrying out of these functions would transfer to Camden’s employment on the commencement of the new arrangements for the delivery of a joint ICT service.
- 8.11 So far as the Joint Committee is concerned, the power to make joint arrangements originates from s. 101(5) of the Local Government Act 1972 read with Part 4 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations SI 2012/1019 (“the Discharge of Functions Regulations”). These provisions confer power upon the executive of each Council (reg. 4 of the Discharge of Functions Regulations) to make arrangements for the joint exercise of their powers with another authority. The functions here, ICT and related activity, are matters within the power of the executives. The ultimate form of “delegation” to a Joint Committee must be aligned with each Council’s constitution in the sense that a constitution might prevent or limit the scope of “delegation” to a Joint Committee, or might impose conditions as to the further “delegation” of decision-making power by a Joint Committee, but subject to any express provision to that effect, the power to “delegate” to a Joint Committee, and the terms on which powers may be exercised by a Joint Committee, are a matter for the executive to determine by way of the particular arrangements entered into pursuant to s. 101(5). If no express provision is made then the default position in s. 101(5)(a) and 101(2) will apply and the Joint Committee will be entitled to arrange for the discharge of its functions by a sub-committee or officer.

- 8.12 As to a key decision made by the Joint Committee, the decision may be called in by each Council in accordance with the overview and scrutiny provisions of that Council's constitution.
- 8.13 Therefore, it will be open to each authority to impose express limitations on the exercise of power by the Joint Committee in the terms of the arrangements regarding transfer of powers to the Joint Committee. Once functions have been "delegated" to the Joint Committee then their exercise is for the Joint Committee to manage subject only to the terms of that "delegation". Hence, for example, the schemes of delegation which apply internally within each Council regarding the exercise of decision-making power by committees and officers within that Council do not apply to the delegation of power to the Joint Committee (unless they are expressly incorporated into or otherwise applied to the terms of "delegation" of power to the Joint Committee).
- 8.14 Similarly, the transfer of certain functions to Camden's Executive will be arranged pursuant to express provisions in s. 101(1)(b) of the Local Government Act 1972 and Part 3 of the Discharge of Functions Regulations. The terms on which Camden's Executive will be entitled to exercise those functions, including any relevant restrictions on "delegation" of decision-making power within Camden, depend upon the terms of the arrangements which transfer the relevant functions to Camden's Executive rather than upon the constitution of any Council. In default of specific provision, Camden's Executive can arrange for the transfer of functions to Camden by Haringey and Islington to be discharged in accordance with Camden's Constitution. Therefore Camden's scheme of "delegation" will apply to decisions taken by Camden pursuant to the transfer of functions to Camden by Haringey and Islington.
- 8.15 The proposed new model – of direct "delegation" to Camden of some functions and the re-casting of the JC to provide strategic oversight – can be achieved without the need to change constitutions (unless, exceptionally, a constitution has already made express provision which would restrict the power of the executive to "delegate" functions to the Joint Committee or the powers of the Joint Committee to exercise those functions). Under Part 2 Article 10.02 (c) of the Haringey's Constitution the Cabinet with the Leader's agreement may establish joint arrangements with the Executives other local authorities, such arrangements may involve the appointment of a joint committee. Further, Part 2 Article 10.04 (b) states that 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. There are no constitutional bars to the proposed arrangements in Haringey's Constitution.
- 8.16 Equality**
- 8.17 Cabinet Members must take into account in coming to any decision the Councils equality duties. In summary these legal obligations require the Council, when exercising its functions, to have 'due regard' to the need to:
1. eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act

2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a relevant protected characteristic and those who do not (which involves tackling prejudice and promoting understanding).

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation. In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.

8.18 In this case the attached EIA (Appendix 7) at present concludes that there is no potential for discrimination and all appropriate opportunities to advance equality and foster good relations have taken place. The protected characteristic which is currently disproportionate is gender with 70.2% of the service being male however, the 20.8% of the service which females represent is still higher than the UK average of 16%. The proposal to TUPE posts along with staff from Haringey into Camden will not have a potential impact at this stage as no jobs are expected to be deleted and staff will transfer across on their existing terms and conditions of employment.

8.19 In implementing the undertakings of this document, the equalities impact will continue to be reviewed and fully considered. This has been factored into the project plan and HR colleagues from across the three organisations will work collaboratively on this and the correct process will be adhered to across the three. This information will be shared with the Unions and all staff affected by this process.

9 Appendices

9.1 Shared Digital Governance Model Options Discussion Paper (Appendix 1) prepared by Activist Group.

9.2 How typical decisions will be taken, and how responsibilities will work in the proposed governance model (Appendix 2).

9.3 Shared Digital Governance Model Review (Appendix 3), Joint Committee report of 30 October 2017.

9.4 Revised Joint Committee Terms of Reference (Appendix 4).

9.5 The governance framework (Appendix 5).

9.6 Shared Digital Management Board Terms of Reference (Appendix 6).

9.7 Staffing Equalities Impact Assessment (Appendix 7).

10 Local Government (Access to Information) Act 1985

10.1 No documents that require listing were used in the preparation of this report.

