


<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>13th September 2017 (Extraordinary Meeting)</p>	
<p>Report of: Denise Radley, Corporate Director, Health, Adults & Community</p>	<p>Classification:</p> <p>Unrestricted</p>
<p>Amendments to Terms of Reference for Appointment Sub Committee</p>	

Originating Officer(s)	Jacinta Gasson Mulcahy
Wards affected	All

Summary

At its meeting on 17th June 2017, the Committee agreed to the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer and Deputy Chief Officer appointments. It also proposed criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

The Council is now recruiting to the post of Joint Director, Integrated Commissioning which will be a joint role with the Tower Hamlets Clinical Commissioning Group (CCG). This post will be hosted within the Council and will be equivalent to a Council Divisional Director role. The post will report jointly to the Corporate Director, Health, Adults & Community and the Chief Officer of the CCG. It will be responsible for the strategic commissioning of all health and care services across the borough as part of developing more integrated systems in line with our Health & Wellbeing Strategy priorities.

Due to the nature of the role and its collaborative working with the NHS, it is appropriate that CCG representatives be involved and be co-opted to participate in the Sub-Committee and that a decision is reached jointly between Council and CCG participants.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the additional arrangements as set out in paragraph 3.5 of the report in relation to the appointment of the Joint Director, Integrated Commissioning only.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the General Purposes Committee establishes Appointment Sub-Committees to determine senior officer appointments. Given that this is a joint post with the CCG, a suitable process is required to ensure a joint decision on the appointment.
- 1.2 Options have been considered which provide for member involvement in this senior officer appointment in line with the Constitution, alongside CCG representation. The recommended option has due regard to the practicalities and workability of arrangements by limiting the size of the Appointment Sub-Committee in the interests of a smooth and efficient process.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could proceed under its existing arrangements however this would not be acceptable to the CCG who would be excluded from the decision-making process for a jointly appointed senior officer.
- 2.2 An Appointments Sub-Committee of twelve members (6 Council members as per the current arrangements and 6 CCG representatives) is an alternative model however this would result in an extremely large final Panel of around 18-20 people once officers from both organisations and the Recruitment Consultants are added in.
- 2.3 An officer only final Panel could be used for decision-making with members involved in earlier stakeholder sessions. It has been assumed given previous discussions at General Purposes Committee that this is not an option favoured by members.

3. DETAILS OF REPORT

- 3.1 Under the Officer Employment Procedure Rules, the Appointments Sub-Committee will be established on criteria approved by the General Purposes Committee, comprising relevant Councillors to make appointments to Chief Officer and Deputy Chief Officer posts.
- 3.2 At its meeting on 17th June 2017, the Committee agreed to the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer and Deputy Chief Officer appointments. It also proposed criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.
- 3.3 The Council is now looking to recruit to the post of Joint Director, Integrated Commissioning. The Council and CCG have agreed to a joint director role as part of our work towards more integrated health and social care systems and in line with the priorities set out within the Health & Wellbeing Strategy. The post will be hosted within the Council and will be equivalent to a Council

Divisional Director role. It will be jointly managed by the Corporate Director, Health, Adults & Community and the Chief Officer of the CCG. The role will be responsible for the strategic commissioning of health and care services across the two organisations and for the ongoing development of integrated commissioning approaches. The post-holder will manage staff across the two organisations bringing them together into an integrated commissioning hub.

- 3.4 Due to the nature of the role and its collaborative working with the NHS, it is appropriate that CCG representatives be involved and be co-opted to participate in the Sub-Committee and that a decision is reached jointly between Council and CCG participants.
- 3.5 It is therefore proposed that the following changes be made to the arrangements agreed at its meeting on 17th June 2017 in respect of the Appointments Sub-Committee for the appointment of the Joint Director of Integrated Commissioning only:
- (a) That the membership of the Sub-Committee comprise 4 Council members (2 Labour and 1 each from two of the 3 other political groups) and an additional four co-opted members from the CCG in a non-voting capacity.
 - (b) That the quorum be 4 with a minimum of 2 Council and 2 CCG representatives.
 - (c) That the Council voting members must take account of the views of the co-opted members in making an appointment.
 - (d) That the Committee understand and agree that a joint senior appointment could only be made effectively with agreement across the 2 organisations and therefore to proceed, a consensus would need to be reached on the appointment. In the event of one party not agreeing to the appointment, the process would need to be abandoned with no appointment being made.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make.

5. LEGAL COMMENTS

- 5.1 Under the Council's Constitution it is for the General Purposes Committee to determine criteria for the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers for Appointments Sub-Committees, which may be established from time to time to consider such appointments.
- 5.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require that an Appointments Sub-Committee include at least one member of the Executive. The regulations also set out a statutory 'objection' procedure under which an appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or a member of the Executive.

- 5.3 As to the co-opted members, pursuant to section 13 of the Local Government and Housing Act 1989 they can only be non-voting members of the sub-committee.
- 5.4 The proportionality rules apply to the Sub-Committee and the current membership of Appointment Sub-Committees is 6 comprising of 3 Members of the Labour Group and 1 Member from each of the Independent Group, the Conservative Group and the People's Alliance for Tower Hamlets Group. For the reasons set out in paragraph 2.2 of the report, this would make the Sub-Committee unwieldy due to numbers and the proposal is therefore for 4 Members. For this Ad-Hoc Committee, it is acceptable for there to be a Membership of 4 Councillors and for the purposes of proportionality this would mean 2 Labour and 1 each from two of the 3 other political groups.
- 5.5 When considering the criteria for Appointments Sub Committees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). There is information in section 6 below relevant to these considerations.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The recruitment to the post is based on good practice in terms of equality and diversity in recruitment. Both organisations are committed to equality and tackling discrimination through robust recruitment processes.
- 6.2 The recruitment process will involve an assessment of the candidates' skills, experience and competencies in relation to diversity and equality within the context of the strategic commissioning of services which are delivered to some of the most vulnerable people in the community. Stakeholders including service users and carers will be involved in the recruitment process.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The drivers for an integrated health and care system include achieving improved outcomes for service users and cares alongside making best use of limited and reducing resources. A Joint Director role is an efficient and cost-effective way to bring together commissioning staff and processes, reducing duplication and achieving best value for both organisations.
- 7.2 A key objective for the Joint Director will be to ensure best value is achieved across a range of health and care commissioning strategies.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct implications from the proposals in this report however the Joint Director will have a responsibility to ensure that all joint commissioning strategies for health and social care contribute to the Council's priority around sustainable action for a greener environment and to promoting improved air quality.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The risk management implications of this report are minimal however the options considered have tried to balance practicalities around appointment to a Joint Director role with the requirements set out within the Council's Constitution.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct implications from the proposals in this report however the Joint Director will have a responsibility to ensure that all joint commissioning strategies for health and social care contribute to the Council's priority around reducing crime and disorder including anti-social behaviour.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A