

HUMAN RESOURCES COMMITTEE

Monday, 15 September 2014 at 7.30 p.m.

Room MP701, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

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NUMBER(S)**

8.1 Recruitment of Chief Executive

To consider the report as an item of urgent business

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Agenda Item 8.1

Committee/Meeting: HR Committee	Date: 15th September 2014	Classification: Unrestricted	Report No:
Report of: Head of Paid Service Originating officer(s) Stephen Halsey, Head of Paid Service; Simon Kilbey, Service Head (Human Resources & Workforce Development)		Title: Appointment of Chief Executive Wards Affected: All	

REASONS FOR URGENCY

This report was not available five clear working days prior to the meeting as required by the Council's Constitution and Access to Information rules. The report is nevertheless recommended for consideration at the meeting in order to meet the decision made by Council on 10th September that HR Committee should commence the appointment of a Chief Executive and consider a report at the HR Committee on 15th September 2014.

1. **SUMMARY**

Council at its meeting on 10th September 2014 considered a motion regarding the recruitment of a Chief Executive. Council agreed that a Chief Executive should be appointed to the indicative timetable contained in the motion and that HR Committee should receive a report on progress and be empowered to adjust the timetable if necessary.

2. **DECISIONS REQUIRED**

- 2.1 That Members note the role of the Committee in the proposed recruitment of a chief executive and the indicative timetable attached at **Appendix A**.

3 **REASONS FOR THE DECISIONS**

The appointment to permanent positions provides long term stability and enhances the ability to lead and deliver the Council's medium term priorities.

4. **ALTERNATIVE OPTIONS**

The current interim arrangements regarding a Head of Paid service are planned to continue until the appointment of a Chief Executive. The Council

faces a challenging agenda and it is important that there is strong and stable leadership to support the continuing delivery of excellent services.

5. REPORT

- 5.1 Council at its meeting on 10th September received a motion regarding the appointment of a permanent Chief Executive. Council committed to the outline timetable for the recruitment process contained in the motion which is attached at **Appendix B**. Council empowered the HR Committee to adjust the timetable with the proviso that the appointment of a Chief Executive should be made by April 2015 at the very latest. A detailed indicative timetable for consideration by the Committee is attached at **Appendix A**. As timescales are very tight at the end of the process some minor adjustment may be necessary.
- 5.2 The next steps will be to invite the recruitment agencies that are party to the Council's framework agreement for senior management recruitment to submit tender proposals for assisting the Council with the search and selection process. Many aspects of the recruitment process followed by the Council in the last recruitment exercise for a Chief Executive received very strong positive candidate feedback and these will be considered at key stages of the process.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 The budget for the salary of the Chief Executive is currently held within the Corporate Management vote on the Law, Probity and Governance budget. Should the salary exceed the estimate then compensatory savings will need to be identified. Recruitment costs will be contained within existing budgets.

7. LEGAL COMMENTS

- 7.1 Pursuant to section 112 of the Local Government Act 1972, the Council is required to appoint such officers as it thinks necessary for the proper discharge by the Council of its functions and such of another authority's functions as fall to be discharged by it and the carrying out of any obligations incurred by the Council in connection with an agreement made with another authority under section 113 of the for placing its staff at the disposal of another authority.
- 7.2 The Council is required by the Local Government Act 1989 to appoint a head of paid service to carry out specified functions, which include keeping the following matters under review and making a report if necessary to the Council –
- (a) the manner in which the discharge by the Council of its different functions is co-ordinated;

(b) the number and grades of staff required by the Council for the discharge of its functions;

(c) the organisation of the Council's staff; and

(d) the appointment and proper management of the Council's staff.

7.3 The Chief Executive would be expected to carry out the statutory role of the Head of Paid Service.

7.4 The Local Authorities (Standing Orders) (England) Regulations 2001 prescribe provisions which the Council must incorporate in standing orders in relation to the recruitment of the Head of Paid Service. The Council's Officer Employment Procedure Rules set out in the Constitution reflect these essentials, which require that –

- Full council must approve the appointment before an offer of appointment is made.
- Where a committee discharges the function of appointment (e.g. by conducting interviews), at least one member of the executive must be a member of the committee.
- An offer of appointment must not be made until: (a) full council has notified the proper officer of the person to whom it wishes to make the offer and any particulars the it considers relevant to the appointment; (b) the proper officer has notified every member of the executive of the person to whom full council wishes to make the appointment and the period within which an objection may be made; and (c) either no objection is received or the elected mayor objects and full council is satisfied that the objection is not material or is not well-founded.

7.5 When carrying out its functions as an employer and as a public authority, the Council must not discriminate or otherwise engage in unlawful behaviour contrary to the Equality Act 2010. 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). Ensuring that any selection process is fair and subject to equal opportunity is part of complying with the Council's equality obligations. An appropriate level of advertising for any vacancy should help to achieve this. Officers should ensure that the Council complies with its own policies and procedures in relation to any recruitment process.

8. ONE TOWER HAMLETS CONSIDERATIONS

8.1 The Council's commitment to equalities includes an undertaking to achieve a Workforce to Reflect the Community at all levels in the organisation and such considerations will be part of the recruitment and procurement process. All posts are recruited to on merit. Internal arrangements provide for succession planning and career development.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

9.1 There are no direct implications.

10. RISK MANAGEMENT IMPLICATIONS

10.1 The arrangements proposed in this report will reduce the risks associated with temporary or fixed term positions.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

11.1 There are no direct implications.

12. EFFICIENCY STATEMENT

12.1 No changes to service delivery or the use of resources are proposed.

Appendix A

Indicative Timetable for Recruitment of Chief Executive

Process	Timeline (approx)
Council receive motion regarding Chief Executive Recruitment and agree overall process	10.09.14
HR Committee receive report	15.09.14
Spec provided to recruitment consultants on the PSL	22.09.14
Proposals assessed and top two recruitment consultant(s) selected for presentation to HR Committee	07.10.14
HR Committee select preferred consultant and agree jdps and brief on 22 October 2014 together with criteria for establishment of an Appointments Sub Committee.	22.10.14
Recruitment consultants begin soft search and preparation for advertisement, etc.	27.10.14
Advert appears	w/e 07.11.14
Recruitment Consultants to longlist and start to sift	w/c 15.12.14
Recruitment Consultants to provide sifted list to LA	07.01.15
Recruitment consultants to conduct preliminary interviews with agreed list of sifted candidates	w/c 19.01.15
Recruitment consultants and LA to produce report for Members	26.01.15
Recruitment consultants and LA meet to finalise report for Members	w/c 26.01.15
A meeting of the Appointments Sub-Committee consider the list of candidates and agree the shortlist - Recruitment consultants to attend the Sub-Committee	w/c 02.02.15
Candidates advised of outcome of Appointments panel and invited to final selection process	w/c 09.02.15
Day 1 of selection process- (final content to be agreed but likely to include tour of the Borough, informal interviews/meetings with Mayor, Group Leaders and informal lunch with CMT plus possible group discussion or as recommended by recruitment consultant) Recruitment consultants to provide a report on each candidate to be reported to Members on day 2.	16.02.15

Day 2 of selection process – Recruitment consultants to brief members on process to date. Candidates to present and have final interview with Members. Members Appointment Sub-committee to agree who to recommend for appointment	17.02.15
Report on outcomes including recommendations of the Appointments Sub-Committee to be presented to each member of the Executive requesting that the Mayor notify any objection to the appointment of any of the short-listed candidates by 5 th March 2015.	19.02.15
Report on outcomes including recommendations of the Appointments Sub Committee and any objection made on behalf of the Executive to be considered by full Council on 5 th March 2015 where a decision on an appointment can be made	05.03.15

12.8 Motion regarding Chief Executive recruitment

Proposer: Councillor Rachael Saunders

Seconder: Councillor Shiria Khatun

Council Notes:

This Council is taking the lead on putting our own house in order, to rebuild the reputation of this borough.

This Council regrets the negative impact on local people of the press coverage of how this council is being led and managed.

The Council is committed to maintaining excellent quality of services for our residents, and recognizes that in order to do this it needs to have strong and stable leadership to support the excellent work of the council staff.

This Council recognizes the work that has been done to date with interim arrangements following the council's previous failure to appoint a chief executive.

This Council confirms its view, as stated verbally by a number of councillors at the 30th July 2014 meeting, that a clear and transparent process for appointing a permanent chief executive to work with the Elected Mayor and councillors to deliver the quality of services for which Tower Hamlets has been known in the past should be put in place.

That to tackle negative publicity and rebuild trust, this council needs a chief executive that can be held to account by all councillors and the Mayor for the implementation of decision making, and can be open about the basis on which executive and council decisions are made.

Council recognizes that it is likely to be necessary to seek the advice of external search consultants to help find the right candidate for this important and challenging job.

This Council recognizes that in order to achieve the appointment of a candidate who is acceptable to the whole council, as required by the council's constitution, that whilst the Human resources committee should be charged with responsibility for overseeing process and an Appointments Sub Committee will carry out interviews, the outcome of those interviews should be reported in sufficient detail to full council to allow the decision about appointment to be made by full council and not to be made on the recommendation of a single candidate from an Appointments Sub Committee, except to the extent that the recommendation may indicate there is only one suitable candidate.

That because accountability and transparency are important, the appointments sub committee for the appointment of the Chief Executive should have the same membership as the HR committee, with political groups making substitutions if they choose, and with the same expectation of transparency, including publishing minutes with appropriate redactions to align with rules on confidentiality.

This council would welcome the participation of the executive Mayor in all parts of the recruitment process, including those HR committee is responsible for. Cllr Saunders emailed the Mayor and others on the 27th August to seek a conversation about how this process can best work in collaboration between councilors and the Mayor.

Council commits to the outline timetable below, on the basis that the HR committee is empowered to adjust this timetable if necessary, but that the appointment of a chief executive should be made by April 2015 at the very latest:

- A) Agree over all process – Council – 10 September 2014
- B) Progress report to HR committee on 15th September 2014
- C) Procurement of search consultancy by 7 October 2014
- D) Brief for appointment and job description to be agreed by HR committee on 22 October 2014 together with criteria for establishment of an Appointments Sub Committee.
- E) Advert and search to be public by 7 November 2014
- F) Closing date for advert to be 15 December 2014
- G) Sift for long list to be agreed by 7 January 2015
- H) Long list report back from search consultants to be done by 31 January 2015
- I) Appointments Sub Committee to agree shortlist – February 2015
- J) Appointments Sub-committee to conduct interviews of shortlisted candidates by 24 February 2015
- K) Report on outcomes including recommendations of the Appointments Sub Committee to be presented to each member of the executive, requesting that the Mayor notify any objection to the appointment of any of the shortlisted candidates by 5 March 2015.
- L) Report on outcomes including recommendations of the Appointments Sub Committee and any objection made on behalf of the executive to be considered by full council on 5 March 2015 where a decision on an appointment can be made.