



# General Purposes Committee

## Combined Full Agenda Pack

**Thursday, 23 February 2023 at 6.30 p.m.  
Committee Room - Tower Hamlets Town Hall,  
160 Whitechapel Road, London E1 1BJ**

### **Members:**

**Chair:** Councillor Saif Uddin Khaled

**Vice Chair:** Councillor Musthak Ahmed

Councillor Kabir Ahmed, Councillor Asma Begum, Councillor Maisha Begum, Councillor Abu Chowdhury, Councillor James King, Councillor Maium Talukdar and Councillor Abdal Ullah

**Substitutes:** Councillor Gulam Kibria Choudhury, Councillor Mufeedah Bustin, Councillor Sirajul Islam, Councillor Amin Rahman and Councillor Asma Islam

[The quorum for this body is 3 voting Members]

### **Contact for further enquiries:**

Joel West, Democratic Services,

[joel.west@towerhamlets.gov.uk](mailto:joel.west@towerhamlets.gov.uk)

020 7364 4207

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



## Public Information

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## **A Guide to General Purposes Committee**

This Committee is responsible for a range of non executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution.

The Committee is made up of nine Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Each political group may also appoint up to three substitutes. The quorum is three Members of the Committee.

The full terms of reference for the committee is set out in the - Council Constitution

### **Public Engagement**

Meetings of the Committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

# London Borough of Tower Hamlets

## General Purposes Committee

Thursday, 23 February 2023

6.30 p.m.

### APOLOGIES FOR ABSENCE

#### 1. DECLARATIONS OF INTERESTS (PAGES 7 - 8)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

#### 2. MINUTES (PAGES 9 - 22)

To agree the unrestricted minutes of the General Purposes Committee meeting held on 15 December 2022.

#### 3. WORK PLAN (PAGES 23 - 28)

To review the Committee's work plan for the current municipal year.

#### 4. REPORTS FOR CONSIDERATION

##### 4.1 LA Governor Appointment Report Feb 2023 (Pages 29 - 40)

##### 4.2 A summary review of Governors within Tower Hamlets Feb 2023 (Pages 41 - 46)

##### 4.3 Constitution Working Group (Pages 47 - 52)

##### 4.4 Constitution Updates (Pages 53 - 56)

##### 4.5 Employee Relations Casework Policy Update 22/23 Q3 (Pages 57 - 60)



- 4 .6 Update on Senior Recruitment (Pages 61 - 64)
- 4 .7 Process for agreeing Special Severance Payment (Pages 65 - 82)
- 4 .8 Process for agreeing Interim Chief Executive arrangements (Pages 83 - 90)
- 5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**
- 6. **EXCLUSION OF THE PRESS AND PUBLIC (if required)**

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

#### **EXEMPT SECTION (Pink Papers)**

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

#### **Next Meeting of the General Purposes Committee**

Date Not Specified at Time Not Specified to be held in Committee Room - Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ



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# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 15 DECEMBER 2022**

**COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present in Person:**

Councillor Saif Uddin Khaled  
Councillor Kabir Ahmed  
Councillor Asma Begum  
Councillor Abu Chowdhury  
Councillor James King  
Councillor Maium Talukdar

**Members In Attendance Virtually:**

Councillor Musthak Ahmed

**Apologies:**

Councillor Maisha Begum  
Councillor Abdal Ullah

**Officers Present in Person:**

Matthew Mannion (Head of Democratic Services)  
Joel West (Democratic Services Team Leader (Committee))

**Officers In Attendance Virtually:**

Musrat Zaman (Director of HR, OD & Business Support Services)  
Farhad Ahmed (Traded and Business Development Manager)  
Robert Curtis (Head of Electoral Services)  
Pat Chen (Head of HR, HAC and Children & Culture)

**1. DECLARATIONS OF INTERESTS**

None were declared.

**2. MINUTES**

The unrestricted minutes of the General Purposes Committee meeting held on 13 October 2022 were not agreed as a correct record. The Committee asked that the draft minutes are amended to reflect that all members of the Committee contributed to discussion at the meeting.

### **3. WORK PLAN**

The Committee reviewed the updated work plan circulated as agenda supplement 2.

**RESOLVED:** That the General Purposes Work Plan be noted.

### **4. REPORTS FOR CONSIDERATION**

#### **4.1 Polling Places and Districts Review**

Robert Curtis, Head of Electoral Services informed the Committee of the compulsory statutory timetable and the processes to be followed for a review of polling places and polling districts.

Robert explained that any proposal to hold an interim review would overlap with statutory requirements to review every five years due to commence on 1 October 2023. It was instead proposed that all stakeholders be informed in advance of the statutory review timetable commencing to enable stakeholders to prepare in advance

Robert explained that the ongoing Parliamentary Constituency Boundary review, which was not covered in the report, would also impact on this work and that the statutory timetable meant the results of the review would not be implemented prior to the May 2024 elections if the consultation period were to extend to that date.

Further to questions from the Committee, Robert provided additional information on:

- Scope to deviate from the statutory review timetable: there was no flexibility in this regard.
- Feasibility of concluding the review prior to the May 2024 elections. Robert advised that the period for undertaking the review is not specified as long as it is completed within 16 months and that commencing on 1 October with everyone prewarned and able to prepare responses in advance may make this feasible. This would be considered when the timetable is formally announced prior to 1 October 2023
- The rationale and process for the ballot paper check undertaken for Shadwell Ward at the 2022 election count.
- Informal feedback from the 2022 election regarding polling places. Feedback was positive in the main, but some concerns had been received regarding high voter numbers at some venues and this will be considered as part of the review and requirements of the Elections Act 2022.

The Committee then discussed the report and raised the following points:

- It would be desirable to pursue any opportunities to expedite the statutory review timetable so that findings might be implemented for the 2024GLA elections.
- The Committee asked officers to explore whether the Council's decision to implement any changes to polling districts or polling places arising from the review could be delegated to the Committee to help speed up the overall process.

**RESOLVED** that:

1. The Committee endorses the following approach to reviewing polling places and polling districts:
  - i. The council adhere to the compulsory statutory review timetable and that all political parties and elected members are informed of the commencement date in advance to enable all stakeholders to preliminary prepare any recommendations that they may be considering ready for the compulsory statutory timetable and consultation this scheduled to commence on 1 October 2023.
  - ii. No interim review is to be pursued because the requirement to fully consult will result in an overlap of the timetables resulting in duplication of process.
  - iii. Any agreed amendments to polling districts or polling places would be adopted after the review has concluded and amendments agreed by council or delegated committee.

## **4.2 Constitution Updates**

Matthew Mannion, Head of Democratic Services introduced the report that provided an update on proposed and agreed amendments to the Constitution. Matthew outlined the main proposed changes and the rationale for each.

Regarding the item on the Committee's work plan on a proposed constitution working party, Matthew advised that discussions were in progress and a report would be brought to a future meeting with outline proposals, though any suggestions from members in the meantime would be welcome.

Further to questions from the Committee, Matthew provided additional information on:

- Background to the proposed change to the definition of a co-opted member.
- The membership arrangements for the proposed Employee Appeals Sub-Committee sub committee. Members can be drawn from all members and substitutes of the General Purposes Committee.

The Sub Committee then discussed the report and raised the following points relating specifically to the proposed Employee Appeals Sub-Committee:

- The terms of reference should clarify on whether decisions of sub committee will be binding.
- The terms of reference should include a provision that proportional political group representation and gender/ethnicity balance be secured as far as is reasonably practicable.
- The Committee discussed a proposal that the terms of reference provide for the exclusion of members of the executive from Employee Appeals Sub-Committees where the appeal being considered related to an employee in their service. Some members of the Committee felt such an approach would protect the Council from accusations of conflicts of interest; other Committee members felt such a provision was unnecessary as any such conflicts of interest would be managed through existing mechanisms including the Members Code of Conduct and the declarations of interest agenda item at the meeting.
- The Committee asked the Head of Democratic Services to propose minor changes to the terms of reference and hearing structure to give effect to the Committee's discussion. It asked that any changes be determined following consultation with the Chair.
- Training to cover the requirements outlined in paragraphs 2.4 (policies and procedures) and 2.5 (safeguarding) should be scheduled together as far as practicable.

**RESOLVED to:**

1. Establish the Employee Appeals Sub-Committee for the remainder of the municipal year 2022/23 with the terms of reference as at Appendix 1, hearing structure at Appendix 2 and the consequent Constitution changes set out in Appendix 3 to the report.
2. Delegate to the Head of Democratic Services, following consultation with the Chair, authority to make minor amendments to the Employee Appeals Sub-Committee terms of reference and hearing structure to give effect to the Committee's wishes regarding:
  - a. Clarification on whether decisions of sub committee will be binding.
  - b. Guidance on membership, gender and ethnicity balance and political proportionality requirements.
  - c. Any reasonable and practical restrictions to be placed on executive members' participation.
3. Agree the proposed amendments to the Council's Petition Scheme as set out in Paragraphs 3.9 and 3.10 of the report.
4. Note the agreed changes to the Constitution on the Member Allowances Scheme in Appendix 5 to the report, the Grants Determination Sub-Committee in Appendix 6 to the report and the Officer Structure Chart.

#### **4.3 Local Authority Governor Applications Dec 2022**

Farhad Ahmed, Head of Governor Services introduced the report that set out details of applicants who had applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

Further to questions from the Committee, Farhad provided additional information on:

- How governor positions are advertised and recruited and how the Council encouraged local community involvement.
- Current equalities monitoring arrangements and data. Farhad asked the Committee to note that governors can choose not to declare equalities monitoring information and previous efforts to seek equalities data resulted in a response rate of only 10 per cent. Therefore, data regarding the overall position is incomplete.

Farhad agreed to provide Committee members with details of training opportunities and attendance data (including equalities data where available) for governors.

The Committee discussed black and minority ethnic representation within school governance. Some members of the Committee noted that the Council had previously made recommendations to improve black and minority ethnic take-up of school governor roles. Farhad was asked to review those previous recommendations to ensure any new initiatives build on previous learning.

**RESOLVED** that:

1. The Committee nominates the applicants to the positions for local authority governors at maintained schools in Tower Hamlets as set out in paragraph 3.2 of the report.

#### **4.4 Employee Relations Casework and Policy update - Q2 - July - September 2022**

Musrat Zaman, Director of Workforce, OD & Business Support and Pat Chen, Head of HR introduced the report that provided an update on the level and management of employee relations casework within the Council, highlighting progress made for the period July 2022 – September 2022.

Further to questions from the Committee, Musrat and Pat provided additional information on:

- The main categories of grievances.
- How data is monitored and work to identify patterns.
- The training of staff and introduction this year of a mediation service and how the service focussed on re-building relationships to reduce the number of formal grievance processes.

The Committee indicated it would welcome greater detail in statistics relating to ER casework as it felt the current level of detail was not sufficient to allow meaningful conclusions to be reached. Such additional detail ideally to include feedback or similar data on levels of complainant's satisfaction with the ER process; performance against policy timescales; and categorisation of individual complaints/ grievances. The Committee noted the risk of identifying staff involved may place limits on the level of additional detail that could be provided.

**RESOLVED** that:

1. The report be noted, subject to the comments above.

#### **4.5 Update on Senior Recruitment - December 2022**

Musrat Zaman, Director of Workforce, OD & Business Support and Pat Chen, Head of HR introduced the report that provided an update on senior posts and recent recruitment activity.

**RESOLVED** that:

1. The Committee note the current position on the recruitment to senior management vacancies in the Council structure and the interim arrangements to cover the chief officer post with statutory responsibility for Adult Social Services (DASS) and Chief Finance Officer (Section 151 Officer) post, as set out in the report.

#### **5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

None.

#### **6. EXCLUSION OF THE PRESS AND PUBLIC**

No resolution to exclude the press and public was passed at this meeting.

The meeting ended at 8.10 p.m.

Chair, Councillor Saif Uddin Khaled  
General Purposes Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 13 OCTOBER 2022**

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present in Person:**

Councillor Saif Uddin Khaled      Chair  
Councillor Kabir Ahmed  
Councillor Musthak Ahmed  
Councillor Asma Begum  
Councillor Abu Chowdhury  
Councillor James King  
Councillor Maium Talukdar

**Apologies:**

Councillor Maisha Begum  
Councillor Abdal Ullah

**Officers Present in Person:**

Will Tuckley                                      (Chief Executive)  
Farhad Ahmed                                    (Traded and Business Development Manager)  
Musrat Zaman                                    (Director of HR, OD & Business Support Services)  
Catriona Hunt                                    (Head of Corporate Human Resources)

**Officers In Attendance Virtually:**

Kevin Bartle                                      (Interim Corporate Director, Resources & Section  
151 Officer)

**1. DECLARATIONS OF INTERESTS**

There were no declarations of disposable pecuniary interests..

**2. MINUTES**

The following minutes of the General Purposes Committee meeting held on the 21 June 2022 were amended as a correct record of proceedings:

- Post- Election Amendment: *'As a result of the controversy over elections in Tower Hamlets in 2014, the Returning Officer had chosen not to take his fees for any local elections. However, in respect of the local elections held in May 2022 fees were received.'*

Will Tuckley, Chief Executive Officer in his capacity as Returning Officer, updated the Committee that in relation to the post- election, informal double checking took place on Canary Wharf and Shadwell wards. Further checks will be made on any informal double checks to Island Gardens and Bethnal Green East wards. Details will be updated to the Committee outside the General Purposes Committee meeting.

### **3. WORK PLAN**

The Committee reviewed the work plan and noted disappointment that the Forthcoming Restructures report was not submitted to the 13 October meeting as specified in the 21 June 2022 work plan.

Musrat Zaman observed that the standing item titled Forthcoming Restructures should be renamed to Reporting of Payments. As there were no payments over £100,000 to report, the item was removed.

#### **RESOLVED**

1. That the General Purposes Work Plan be noted.

### **4. REPORTS FOR CONSIDERATION**

#### **4.1 Local Authority Governor Applications October 2022**

Farhad Ahmed, Head of School Governance, Information and Traded Services, introduced the report, which detailed two recommended Governors be appointed to Tower Hamlets maintained primary schools and nine reappointments.

The Committee AGREED to all recommendations for Governors be agreed.

#### **RESOLVED**

1. That the recommendations for Governors be agreed.
2. The report be noted.

#### **4.2 Composition of Dismissal Appeals Panel**

Musrat Zaman, Director of Workforce, OD and Business Support, introduced an update to the report, which set out options on the composition of the appeals panel and a recommendation to continue the present arrangement.

The effectiveness of the appeals panel, initially agreed at the General Purposes Committee on 05 October 2021, has not fully been



established, and reverting back to the previous model would be premature, as only one appeal has been conducted to date.

There is no legal requirement for appeals to be heard by Members, and it is good practice for managers, who are more equipped in handling staffing issues to chair such appeals.

In response to the presentation the Committee noted:

- Concern that the report appeared biased towards officers and marginalises the Members role in the process.
- The number of dismissals stated did not give a breakdown of employees grades or equality implications.
- The Employment Tribunal claims did not give sufficient clarity nor full details of the legal advice stated in the report.
- Disappointment with the general tone of the report, as it lacked consistency.
- That Trade Unions comments were not taken into account in this instance and requested clarification that they were consulted with prior to the previous arrangement change in 2021.

Will Tuckley, Chief Executive Officer, noted the report is intended to consider all options and allow for deliberation. Dismissal panels are an opportunity to review any procedural issues that may arise and not to rehear cases. Members set the direction whilst officers implement the policies and marginalisation is not a consideration. Previous Members felt it inappropriate to be part of the tribunals process and further evaluation is required before making any changes.

Musrat Zaman clarified that Trade Unions comments were not received prior to the meeting and the legal advice stated in the report was submitted by the council's employment lawyer. Janet Fasan, Director, Legal – Monitoring Officer, confirmed there is no legal requirement for either Members or Officers to sit at the panels, although it is deemed good practice for Officers.

Members requested that further details on equality and diversity of the employees be submitted at the next General Purposes Committee before any resolution be made. The Chair requested the Committee vote on the reports alternative options.

Accordingly, the General Purposes Committee;

Voted 5 to 2 in favour of reverting to the previous model (Option 2 in the report), which consisted of an all-Elected Member panel. This will

now require a consultation process with Trade Unions and a change of Constitution through Full Council.

## **RESOLVED**

1. Officers to clarify if Trade Unions were consulted prior to the previous arrangement change in 2021.
2. That the Dismissals Appeals Panel be reverted back to the previous model, consisting of an all-Elected Member Panel. This will require a consultation process and a change of Constitution through Full Council.
3. That the report be noted.

### **4.3 Employee Relations Casework and Policy Review- Q1 - April - June 2022**

Musrat Zaman, Director of Workforce, OD and Business Support briefly gave an update to the Committee, which detailed the level and management of employee relations casework with the Council and highlighted progress made. The report related to the period from April 2022 – June 2022. This was the first quarterly report since the last General Purposes Committee held on the 21 June, which previously requested annual submittance.

The number of open cases and policy development improvements were highlighted. Staff now have easier access to all policies in one location via The Bridge. Various policies have been revised and details of a proposed consultation process were set out in relation to Death in Service, Organisational changes and Redeployment. Proposals to the Smarter Working policy have been put on hold at this time.

Following the presentation the Committee:

- Expressed concern that details on the Smarter Working policy proposals being held were given as a verbal update and not reflected in the report.
- Clarification on if the Organisational and Redeployment policy changes are Executive Decisions, or if discussions are currently taking place, as this has not been reflected in the report.

Musrat informed the Committee that any policy organisational and redeployment changes are non-executive decisions. Trade Unions have been informed of an Informal work plan, although no formal consultations on the statutory policy have taken place.

**RESOLVED**

1. That the report be noted.

**4.4 Recommendations on Implementation of Special Severance Payments Regulations**

Musrat Zaman, Director of Workforce, OD and Business Support requested the Committee note the revised process for special severance payments, consider the revised policy statement and recommend the policy for adoption by Full Council on the 16 November 2022 and also delegate any amendments to the 2022/23 pay policy statement to the Chief Executive.

Musrat outlined the reasons for the recommendations which derive from Section 38(1) of the Localism Act 2011, requiring the adoption of the pay policy statement for each financial year. The statement will be submitted for approval by Full Council with discussions exempt.

The Committee AGREED to the recommendations in the report.

**RESOLVED**

1. That the report be noted.

**4.5 Update on Senior Recruitment - October 2022**

Will Tuckley, Chief Executive Officer, updated the Committee on the recent senior recruitment of Director of Commissioning and Culture within the Children and Culture Directorate. The post for Director, Integrated Growth and Development within Place is currently filled on an interim basis and this arrangement will stay in place for a further six months, pending a structure review.

Mr. Tuckley gave a verbal update on the interim Section 151 Officer and Corporate Director of Resources post, currently held by Kevin Bartle. The Council are considering how best to recruit a permanent post holder in the current market, as a second interim appointment is necessary.

In response to the update, the Committee noted that further work is required to fill gaps within senior positions. Mr. Bartle was thanked for his professionalism and depth of knowledge which is greatly appreciated.

**RESOLVED**

1. That the report be noted.

## **5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

### Constitution

The Chair noted that several changes have been made to the Constitution in recent years and recommended a Working Group be formed to ensure more accountability and better effectiveness to the Council's decision-making process.

Following the recommendation, the Committee noted;

- That although a review of the Constitution is scheduled in the work plan for the next General Purposes Committee meeting for 15 December 2022, a working group is now necessary.
- Recommendations on the Working Group's remit to be brought back to the next General Purposes Committee for submission to Full Council.

### Restructures and Compulsory Redundancies

Councillor Kabir Ahmed proposed that all details of any key decisions on restructures which impact redeployments or redundancies be brought to the General Purposes Committee for review.

Mr. Tuckley explained that the Committee endorses the Council's policies. It also oversees broad changes at senior directorate level and Officers implement them. Although it would not be prudent for the Committee to oversee all managerial detail within restructures, further discussion on ensuring the Committee has more oversight of key issues is required. A request to defer the proposal until the next General Purposes Committee was made and agreed.

## **RESOLVED**

1. The Committee AGREED to the recommendation of a Constitution Working Group be formed.
2. Proposals for the General Purposes Committee to have oversight of key organisational changes impacting staff be DEFERRED to 15 December 2022 meeting.
3. That the report be noted.

## **6. EXCLUSION OF THE PRESS AND PUBLIC**

No resolution to exclude the press and public was passed at this meeting.

**7. EXEMPT MINUTES**

**RESOLVED**

1. That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting on the grounds that the remaining agenda item contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

The meeting ended at 8.29 p.m.

Chair, Councillor Saif Uddin Khaled  
General Purposes Committee

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# **GENERAL PURPOSES COMMITTEE WORK PLAN and ACTION LIST 2022/23**

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Agenda Item 3

Contact Officer:	Joel West Democratic Services
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Telephone:	020 7364 4207
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## ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	Proposals to monitor effectiveness of the Council's representatives on outside bodies	Matthew Mannion	January 2022	This matter is subject to discussion. A report will be brought forward at the appropriate time
2.	A summary review of all BAME Governors appointed within Tower Hamlets.	Farhad Ahmed		<b>On the agenda for this meeting.</b>
3.	Review on Polling Stations	Robert Curtis		<b>Complete</b>
4.	Restructures and compulsory redundancies – role of GPC	TBC	October 2022	This matter is subject to discussion. A report will be brought forward at the appropriate time.
5.	Propose options for a constitution working group	Matthew Mannion	October 2022	<b>On the agenda for this meeting.</b>
6.	To receive an update on the Constitution	Matthew Mannion	NA	Reports to be brought to the Committee as and when changes are proposed.
7.	Special Severance Payments	Musrat Zaman	NA	Reports on special severance payments will be presented to full Council as and when needed.

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**N.B. once concluded** - actions should remain on the list marked 'complete' for the remainder of the municipal year.



**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

<b>21 JUNE 2022</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed Head of Governance Information and Traded Services	
2. Constitution Update	To receive an update on the Constitution	Matthew Mannion Head of Democratic Services	
3. Employee Relations Casework Policy Annual Report (21/22)	An update on the Employee Relations Casework Policy Annual Report	Musrat Zaman Director of Workforce, OD and Business Support	
4. Post-Election Report – Thursday 5 May 2022	To receive an update following the Elections 2022.	Robert Curtis, Head of Elections	

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

**13 OCTOBER 2022**

<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of School Governance, Information and Traded Services	
2. Composition of Appeals Panels	To review Tower Hamlets Employment Appeals process	Musrat Zaman, Director of Workforce, OD and Business Support	
3. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	
4. Special Severance Payments Recommendations	An update on the Special Severance Payments	Musrat Zaman, Director of Workforce, OD and Business Support	
5. Update on Senior Recruitment	An update on Tower Hamlet Senior Recruitment	Musrat Zaman, Director of Workforce, OD and Business Support	

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

<b>15 DECEMBER 2022</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of School Governance, Information and Traded Services	
2. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	
3. Constitution Update	To review the Constitution	Matthew Mannion, Head of Democratic Services	
4. Review on Polling Stations	To review the Tower Hamlets Polling Station process	Robert Curtis, Head of Electoral Services	
5. Update on senior recruitment	To note recruitment activity for senior officer posts.	Musrat Zaman, Director of Workforce, OD and Business Support	

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

<b>23 FEBRUARY 2023</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of Governance Information and Traded Services	
2. Governors BAME Summary	A summary review of BAME Governors appointed within Tower Hamlets.	Farhad Ahmed, Head of School Governance, Information and Traded Services	
3. Update on senior recruitment	To note recruitment activity for senior officer posts.	Musrat Zaman, Director of Workforce, OD and Business Support	
4. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	

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<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>23 Feb 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of</b> James Thomas, Corporate Director (Children's Services)</p>	<p><b>Classification:</b> Part Exempt</p>
<p><b>Local Authority Governor Application</b></p>	

<b>Originating Officer(s)</b>	Farhad Ahmed
<b>Wards affected</b>	All wards
<b>Exempt information</b>	<p>This report and/or its appendices include information that has been exempted from publication as the Monitoring Officer:</p> <ul style="list-style-type: none"> <li>• has deemed that the information meets the definition of a category of exempt information as set out in the Council's Access to Information Rules; and</li> <li>• has deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</li> </ul> <p>The exempt information is contained in Appendices 1-3</p> <p>The exempt information falls into this category:</p> <ul style="list-style-type: none"> <li>• 1. Information relating to an individual</li> </ul>

## Executive Summary

This report sets out for Members details of applicants who have applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

## Recommendations:

The General Purposes Committee is recommended to:

1. Consider the applications and agree to nominate the applicants to the positions that are available for local authority governors at maintained schools in Tower Hamlets.

## 1. REASONS FOR THE DECISIONS

- 1.1 The School Governance (Constitution) (England) Regulations 2012 set out the process for the appointment of local authority governors to maintained schools. The Regulations allow for the local authority to nominate a person to fill the position of local authority governor. It is for the governing body to appoint that person if the governing body considers the person meets any eligibility criteria that it has set.
- 1.2 The governor nominations in this report are to fill the current LA governor vacancies

## 2. ALTERNATIVE OPTIONS

- 2.1 To improve the efficiency for appointing local authority governors to school vacancies, the General Purposes Committee at a meeting held on Wednesday 15 February 2006 made the decision to delegate authority to the Corporate Director (Children, Schools & Families) to appoint and revoke the appointment of local authority governors, except where there was a dispute about an appointment or there was more than one applicant for a post in which case the Committee would decide the appointment.
- 2.2 At a meeting on 29 November 2011, the Council resolved to amend the constitution and the terms of reference of the General Purposes Committee were amended. The committee is now responsible for the appointment and revocation of local authority school governors.
- 2.3 As this is a function of the local authority there is no alternative option.

## 3. DETAILS OF THE REPORT

- 3.1 Applications to be nominated as the Local Authority governor to 3 schools are attached as Appendices to this report in the restricted area of the agenda.

### 3.2 APPLICATIONS

#### Re-appointments

- a) The Headteacher and Chair of **Wellington** support the appointment of **Clifford Atkins** - Application is enclosed as **Appendix 1**.
- b) The Headteacher and Chair of **Alice Model** support the appointment of **Deidre Dixon** - Application is enclosed as **Appendix 2**.
- c) The Headteacher and Chair of **Stepney All Saints** support the appointment of **Julia Clarke** - Application is enclosed as **Appendix 3**.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 Local Authority Governors are drawn from all sectors of the community. There is a mechanism in place to ensure, as far as possible, that the composition of governing bodies reflects the makeup of the school and wider community.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.

- 5.2 There are no further specific statutory implications arising from the report.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no financial implications arising from the recommendations in this report.

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include a person appointed as a local authority governor and for a number of associated matters.
- 7.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.

- 7.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –
- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
  - A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
  - A person cannot hold more than one governor post at the same school at the same time.
  - A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
  - A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from ‘regulated activity’ relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.
  - A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.
- 7.4 Once appointed, a governor will hold office for a fixed period of four years from the date of appointment, except in a limited number of circumstances. This does not prevent a governor from being elected for a further term. A governor may resign, be removed or be disqualified from holding office in the circumstances specified in the relevant Regulations.
- 7.5 In determining whether to appoint an authority governor, 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 Committee will wish to be satisfied that the process of selection is fair, open and consistent with furtherance of these equality objectives.
- 7.6 The Council’s Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendices 1 – 3 [EXEMPT] LA Governor Application Forms

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

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- NONE

### **Officer contact details for documents:**

Farhad Ahmed

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

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of the Local Government Act 1972.

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<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>23 February 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of</b> James Thomas, Corporate Director (Children's Services)</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>A summary review of Governors within Tower Hamlets</b></p>	

<b>Originating Officer(s)</b>	Farhad Ahmed
<b>Wards affected</b>	All wards

## Reasons for Urgency

The report was not published within the statutory deadline due to staff absences and backfilling key duties. The report cannot wait until the next scheduled meeting of the Committee. If the information is not reviewed at next week's meeting, members will not be able to provide a steer on the work being delivered.

## EXECUTIVE SUMMARY

This report for Members sets out a breakdown of the most up-to-date data equality information held for Governors in the borough and details active workstreams tackling inequalities and helping to deliver more diverse boards.

### Recommendations:

The General Purposes Committee is asked to note:

1. The equality information provided.
2. That Governor Services is undertaking the task of obtaining equality information from all governors in the borough.
3. The planned work to further improve diversity on Governing Boards across the borough as detailed in section 3.

## 1. REASONS FOR THE DECISIONS

- 1.1 This report is for noting and no decision is required at this stage.

## 2. ALTERNATIVE OPTIONS

N/A

## 3. DETAILS OF THE REPORT

### 3.1 Governor Landscape

This is a breakdown of equality information for Tower Hamlets Governors and a snapshot of the national and London landscape is provided below:

#### National Landscape

- 3% of Chairs and co-chairs are of a Black, Asian, or other minority ethnicities.
- 5% of Governors and Trustees are of a Black, Asian, or other minority ethnicities.

#### London Landscape

- 20% of Governors and Trustees are of a Black, Asian, or other minority ethnicities.

*(Data provided by the NGA)*

#### Tower Hamlets

- 31.8% of Governors and Trustees from Black, Asian, or other minority ethnicities
- 16% of Chairs and co-chairs are of a Black, Asian, or other minority ethnicities.

#### Tower Hamlets Governor Equality Data

Sex		Disability		Total BAME	Total BAME Chairs/Vice Chairs	Total BAME LA governors
Male	42.3%	Disability	3.8%	70 (31.8%)	16%	27%  (Sample size 65 of 77 LA Governor)
Female	57.7%	No Disability	92%			
		Undisclosed	4.2%			

Age	25-34	35-44	45- 54	55-64	65-74	74- 84	85+	Prefer not to say
	18.3%	22.1%	23%	20.7%	9.4%)	5.6%	0.5%	0.5%

Ethnicity	Asian Or Asian	Asian Or	Black Or	Black Or Black	Black Or	Other Asian Background	Other Black

	British-Bangladeshi	Asian British-Indian	Black British African	British Caribbean	Black British Somali		African Caribbean
	36 (16.9%)	6 (2.8%)	6 (2.8%)	5 (2.3%)	2 (0.9%)	3 (1.4%)	1 (0.5%)

Ethnicity	Other Mixed Background	Mixed White and Asian	Other Ethnic Group Chinese	Any Other Background	Total BAME	White British	White Irish	Other White Background
	1 (0.5%)	3 (1.4%)	4 (1.9%)	3 (1.4%)	70 (31.8%)	132 (62%)	7 (3.3%)	13 6.1%

(Data sample 220 governors)

Local Authorities have little scope to influence the appointments to governing boards as the decisions are overwhelmingly the remit of Governors themselves or the appointing bodies for voluntary schools.

### 3.2 Talking Inequities Workstreams

It is recognised that there is an under-representation on governing bodies from Black, Asian, minority ethnic groups on our school boards. To address this, we have the following workstreams in place, all within our scope and budget:

- **Governor Equality Data**  
All school Governors have been emailed, requesting they complete a Governor Equality form. Data collected will help Tower Hamlets better measure the school governance landscape and work towards a situation where Governors are more representative of the communities that they serve than is the case at present.  
Our aim to is to capture feedback from all Governors by the end of the 2022/23 academic year.
- **Inclusive Recruitment Training & Handbook**  
Inclusive recruitment training & handbook is currently being developed, which will provide in depth best practice guidance to schools and all governing boards to deliver more diverse boards by minimising biases in the hiring process.
- **Governor Service Training Programme**  
Our Training Programme has been updated further to incorporate sessions that tackle inequalities, including:
  - Anti-Racist Training for Governors
  - Accountability, Support & Challenge: using evidence and asking good questions
  - Conscious Inclusion
  - Diversity of Thought and Respect

Training sessions that tackle inequalities can help deliver diversity by raising awareness of biases and prejudices that can limit diversity in the workplace or other settings. By educating people on the importance of diversity and inclusion, and providing tools and strategies to address inequalities, individuals and organisations can work towards creating a more inclusive environment. This can lead to increased representation and participation of under-represented groups, and a more diverse and productive workforce.

- Collaborative Working with Recruiters  
We have opened dialogue with Governors for Schools and Inspiring Governors to collaborate with us and to deliver more BAME candidates for Tower Hamlets schools.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 It is important that governing boards reflect their communities so that their decisions consider the needs, perspectives and lived experiences of those communities. This is supported in the Governance Handbook 2020, p36, which states '*A board composed of governors and academy trustees who bring a diverse range of skills, experiences, qualifications, characteristics and perspectives and who are from different backgrounds and settings will have a positive impact on setting the strategic direction for the organisation*'.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 5.2 There are no further specific statutory implications arising from the report.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no financial implications arising from the recommendations in this report.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2017 require certain public authorities, including local government , to publish:
- equality objectives, at least every four years
  - information to demonstrate their compliance with the public sector equality duty
- 7.3 The provision of additional equality information from the remaining governors whose data is currently unknown will better enable the Council to ensure that they are meeting their equality duty.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- LA Governor Appointment

### **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:**

Farhad Ahmed

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<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>Thursday 23 February 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Constitution Working Party</b></p>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All Wards

### Executive Summary

The General Purposes Committee at its meeting on 13 October 2022 requested that a Constitution Working Group be established to review the constitution and look at potential improvements.

Subsequent to that request, discussions took place and a report was presented to the Chief Executive for him to sign off his agreement to establishing the working group (in line with the constitutional requirement).

General Purposes Committee are asked to note the establishment of the working group and review the initial plans for its initial meeting.

Finally, the Committee is asked to confirm its agreement to this working group taking place and agree to receive decision reports as and when required. The Committee, should it wish, can forward those reports to Council for a final decision.

### Recommendations:

The General Purposes Committee is recommended to:

1. Note the establishment of the Constitution Working Group.
2. Note and review its planned work areas.
3. Confirm the Committee's agreement to the establishment of the working group and agree to receive any decision reports following its work as required.

### 1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee requested the establishment of a Constitution Working Group. This report provides an update on its progress.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The General Purposes Committee are free to propose alternative courses of action for the Constitution Working Group or to request that it be disbanded.

## **3. DETAILS OF THE REPORT**

- 3.1 Informal working groups or boards can be established by the Council on any relevant matters. These bodies can have both Members and officers in their membership but they may not have decision-making powers. The power to establish such bodies rests with the Mayor (for Executive matters) and the Chief Executive (all matters) (Constitution Section 20, Paragraph 13).
- 3.2 Working Groups in relation to the Constitution are common across local authorities and there have been several at Tower Hamlets over the years.
- 3.3 The last significant review of the Constitution took place in 2018/19 where its style and layout was significantly overhauled and specific changes were made, such as introducing a financial key decisions thresholds and improving and updating schemes of delegation. These changes were overseen by the General Purposes Committee and no separate CWG was established.
- 3.4 However, CWG's have been used before that including in 2017 which mainly focussed on factually updating the constitution (as it hadn't received a significant review for a number of years) but also looked at areas such as Council Procedure Rules, Planning/Licensing Codes and similar.
- 3.5 Prior to that a number of constitution and governance working groups have operated at various times.

### Request to establish a Constitution Working Group

- 3.6 At its meeting on 12 October 2022, the General Purposes Committee requested that a Constitution Working Group be established to review the Constitution as it had been four years since the last significant review had been undertaken.
- 3.7 As set out at the top of the report, the power to agree to the establishment of such a group rests with the Chief Executive. A report was subsequently prepared and presented to the Corporate Leadership Team (CLT) and Chief Executive seeking agreement to such a move.
- 3.8 The CLT and Chief Executive were in agreement with the establishment of the working group. Initial ideas for areas of work for the group were considered but it will also be for Members and the General Purposes Committee to guide the programme.



## First meeting of the Constitution Working Group

- 3.9 It is anticipated that the CWG will meet as soon as an appropriate date can be identified.
- 3.10 The main focus on the first meeting will be an introduction to the Constitution as it is currently set out, looking at the four Parts, their content and target audience. The meeting will also briefly look at some of the key changes made in recent years.
- 3.11 Leading from this the CWG will propose an initial work programme to be overseen by later meetings.

## Timeline and process

- 3.12 The Constitution Working Group will meet on an ad-hoc basis as required during 2023. Any changes to the Constitution requiring a decision will be presented to the General Purposes Committee for agreement.
- 3.13 A report on progress will be presented regularly to the General Purposes Committee as required.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 A well-functioning Constitution is important in supporting all the Council's work and in encouraging public participation in decision making.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.

- 5.2 None specific to this report but a well-functioning

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 There are no financial implications from the setting up of the Constitution Working Group. Financial implications of proposed changes to the constitution will be considered as and when the changes are proposed.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 Section 111 of the Local Government Act 1972 permits a local authority to do any thing which facilitates or is incidental to the discharge of any of its functions. In addition, the Council's Constitution at Section 20, Paragraph 13, permits the Mayor and / or the Chief Executive to establish working parties which may include in their membership Members, officers and others. The list of these bodies is to be maintained and updated by the Monitoring Officer.
- 7.2 The matters referred to in this report comply with the Constitution and with the above legislation.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None specifically although there are regular Constitution reports to previous Council and General Purposes Committee meetings.

#### **Appendices**

- Appendix 1 – CWG Process Note

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- The Constitution is available on the Council's website.

#### **Officer contact details for documents:**

N/A

**CONSTITUTION WORKING GROUP  
2022/23**

**MEMBERSHIP AND PROGRAMME**

**1. BACKGROUND**

- 1.1 The General Purposes Committee has responsibility for overseeing the effectiveness of the Constitution (and for agreeing changes, except where these are presented to Council for determination).
- 1.2 The Committee has requested that this Constitution Working Group be established to review the Council's Constitution and to prepare recommendations for agreement by the General Purposes Committee/Council as appropriate.
- 1.3 In addition, the Monitoring Officer is also required 'to monitor and review the operation of the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect' The establishment of a working group will help the Monitoring Officer achieve those goals.

**2. CONSTITUTION WORKING GROUP (CWG)**

- 2.1 The working group is set up by the Chief Executive under powers set out in Part B, Section 20 of the Constitution, pursuant to a request by the Monitoring Officer and the General Purposes Committee, to review the constitution and consider potential changes.
- 2.2 Any changes proposed will be submitted to the General Purposes for formal consideration. Major proposed amendments will then need to be submitted to Council for its agreement.

**3. MEMBERSHIP AND OFFICER SUPPORT**

- 3.1 Formal Membership of the group will consist of three Members from the Aspire Group and two from the Labour Group. The group will be chaired by a Member of the Majority Group (unless otherwise agreed).
- 3.2 The formal Membership of the group will lead the review and determine the areas of the Constitution to be considered and the final changes to be recommended to the Monitoring Officer/Committee.
- 3.3 Ungrouped Councillors will have a standing invitation to attend should they wish but are not formal Members of the CWG.
- 3.4 The CWG will be supported by Democratic Services and Legal Services. Other officers may be asked to attend to present on specific issues/sections of the Constitution as appropriate.

#### **4. PROGRAMME AND PLANNING**

- 4.1 The CWG will hold an initial meeting to agree its priorities and initial programme of work. Officers will undertake the relevant research work and will then report back to further meetings as appropriate.
- 4.2 Any proposed constitutional changes agreed by the Group will be submitted to the Monitoring Officer for sign-off before being considered by the General Purposes Committee and/or Council as appropriate.

Non-Executive Report of the:  <b>General Purposes Committee</b>  Thursday 23 February, 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Constitution Updates</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	All Wards

### Executive Summary

Following the Annual Meeting of Council signing off the current Constitution on 25 May 2022, day-to-day oversight of the document returns to the General Purposes Committee.

This report provides an update on a couple of minor amendments to the Constitution for noting.

These are on:

- A correction to the General Purposes Committee Terms of Reference
- An addition to the Health, Adults and Community Directorate Scheme of Delegation.

### Recommendations:

The General Purposes Committee is recommended to:

1. Note the updates to the constitution as set out in the report.

#### 1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee has day-to-day oversight of the Council's Constitution and is responsible for ensuring it is up to date and effective.

#### 2. ALTERNATIVE OPTIONS

- 2.1 The report offers the Committee the opportunity to consider a review of any parts of the Constitution it wishes.

### **3. DETAILS OF THE REPORT**

3.1 The General Purposes Committee receives regular reports on agreed and proposed updates to the Constitution as part of its role overseeing the effectiveness of the Constitution.

3.2 The Committee is asked to note two minor updates as part of this report.

Health, Adults and Community Directorate Scheme of Delegation

3.3 Somen Banerjee, Director of Public Health, deputising for Denise Radley, Corporate Director, Health, Adults and Community has agreed an addition to the Directorate Scheme of Delegation in relation to dog fouling. It reads as follows and is added to the end of the relevant section of the Scheme of Delegation:

<b>Decision Relating to:</b>	<b>Corporate Director</b>	<b>Director</b>	<b>Head of Service</b>	<b>Other</b>
<b>Dogs (Fouling of Land) Act 1996</b>	Health Adults and Community	Director of Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager  THEOs

3.4 The Corporate Director has the authority to agree the above change and so the General Purposes Committee are asked to note the change.

General Purposes Committee Terms of Reference

3.5 A typographical error has been identified in the General Purposes Committee Terms of Reference. Rule 10 references the Employment Procedure Rules 'as set out in Part 4 of this Constitution'.

3.6 This should read 'as set out in Part C, Section 38 of this Constitution'.

3.7 As this is a factual error the Monitoring Officer has authority to agree the change and the Committee are asked to note this amendment.

### **4. EQUALITIES IMPLICATIONS**

4.1 An up to date Constitution is important in supporting proper decision-making which includes consideration of equalities implications.

### **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Failure to maintain an up-to-date Constitution could impact on any/all of the above implications.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from the recommendation of this report.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The Council's Constitution delegates amendments to the Constitution to the General Purposes Committee. The matters set out in this report are therefore within the powers of the General Purposes Committee to decide.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None specifically but the General Purposes Committee receives regular reports in relation to Constitution Updates.

### **Appendices**

- None

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

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

List any background documents not already in the public domain including officer contact information.


- None.

#### **Officer contact details for documents:**

N/A

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<p><b>General Purposes Committee</b></p> <p>23 February 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Musrat Zaman, Director of Workforce, OD and Business Support Services</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Q3 report on Employee Relations casework and policy</b></p>	

<b>Originating Officer(s)</b>	Pat Chen, Head of HR
<b>Wards affected</b>	None

**Reasons for urgency**

This report was not published within the statutory publication timescale due to administrative issues. If this quarterly report is not presented at this meeting, there will be two reports at the next meeting.

**1. EXECUTIVE SUMMARY**

The attached report is to update GPC on the level and management of employee relations casework within the Council, highlighting progress made. This report is for the period October 2022 – December 2022.

**2. RECOMMENDATIONS:**

The General Purposes Committee is recommended to:

1. Note the report.

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# **Employee Relations Quarterly Report on Casework and Policy Development**

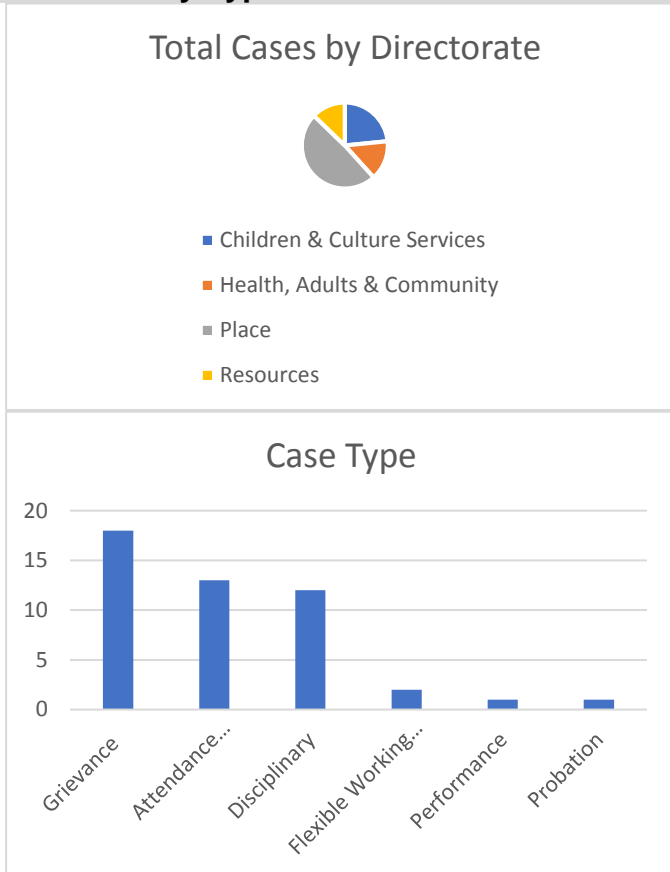
**Q3 2022/23 (1 October 2022 to 31 December 2022)**

## Employee Relations Dashboard

### Case Type by Directorate Oct - Dec

<b>Children &amp; Culture Services</b>	<b>11</b>
Attendance Management	4
Disciplinary	3
Flexible Working Appeal	1
Performance	1
Grievance	2
<b>Health, Adults &amp; Community</b>	<b>7</b>
Attendance Management	3
Disciplinary	2
Grievance	1
Probation	1
<b>Place</b>	<b>23</b>
Attendance Management	4
Disciplinary	5
Grievance	14
<b>Resources</b>	<b>6</b>
Attendance Management	2
Disciplinary	2
Flexible working	1
Grievance	1
<b>Grand Total</b>	<b>47</b>

### All Cases by Type & Directorate Oct – Dec




#### Summary of Key Quarter 3 Casework Data (1 October 2022 to 31 December 2022)

- There were 47 cases handled in total in this period (an increase of 4 from quarter 2). This includes cases that remained open in this period and those closed during the period.
- The breakdown by Directorate shows they were highest in Place, with 23 cases, 2 of which were collective grievances.
- Looking at all cases by type grievances are the highest (18), followed by attendance management (13) and disciplinaries (12). Of the 18 grievances, 12 concern the conduct/decisions of managers; 2 involve career opportunities and restructures, 2 involve terms and conditions, 2 concern the conduct of colleagues.
- At the end of this quarter by 31 December there were 28 open cases (4 more than the total in quarter 2).
- During this period there were 2 suspensions (there were 5 in quarter 2).
- During this period there were 22 long term cases (those open for 90 days or more).
- The average length of cases which were closed in this period is 141 calendar days (which is a slight increase on quarter 2 when the average was 139 days). We have amended our recording system for Q4 and will be able to provide a more detailed breakdown of time taken to conclude each type of casework against target timescales in our next report.
- During this quarter 19 cases were closed (19 were closed in quarter 2), 8 of these related to attendance management/sickness and 6 to grievances. Of the 6 closed grievances, 1 was upheld and 2 were partially upheld. Of the 2 disciplinaries, 1 led to a final written warning and the other did not progress to a formal hearing stage.
- In this quarter ER received 92 general enquiries through our in box. 34 of these were about attendance management matters. The majority of queries were from Place (40), followed by Resources (28).
- Equalities data is reported annually.

#### Policy Development

Consultations are to commence on a review of the Organisational Change Policy, the Redeployment Guide, and the accompanying Managers Guide. The Reference Policy and Maternity Policies have been consulted on and have not been subject to any structural changes.

Non-Executive Report of the:  <b>General Purposes Committee</b>  23 February 2023	 <b>TOWER HAMLETS</b>
<b>Report of: Director of Director of Workforce, OD &amp; Business Support</b>	<b>Classification:</b> Unrestricted
<b>Update on Senior Recruitment</b>	

<b>Originating Officer(s)</b>	Catriona Hunt, Head of HR
<b>Wards affected</b>	None

### Executive Summary

This report updates Members on senior posts and recent recruitment activity.

### Recommendations:

The General Purposes Committee is recommended to:

1. Note the current position on the recruitment to senior management vacancies in the Council structure and any interim arrangements in place.

## 1. REASONS FOR THE DECISIONS

- 1.1 General Purposes Committee has responsibility for the appointment to Chief/Deputy Chief Officer posts. It is usual practice for the Committee to establish Appointment Sub-Committees to fulfil the recruitment process and to receive regular progress reports.
- 1.3 Section 5.2 of the Officer Employment Procedure Rules states the engagement of Chief Officers, to permanent positions or interim positions of over three (3) months, will be through the normal recruitment process overseen by the General Purposes Committee.

## 2. DETAILS OF THE REPORT

### 2.1 Background

General Purposes Committee received an update in December 2022 on the recruitment to the posts established in the review of the Senior Leadership Team conducted in November and December 2020.

This report sets out the current status of recruitment to vacant senior roles in the corporate structure.

## 2.2 Senior Management vacancies and progress of recruitment

The detail of the progress on the recruitment to senior roles is set out in the table below. This also includes any interim arrangements.

<b>Job title and directorate</b>	<b>Current arrangements</b>	<b>Comments</b>
Corporate Director, Resources	Caroline Holland started as interim Corporate Director and S.151 officer on 9 January 2023	
Director of Education  Children and Culture Directorate	Steve Nyakatawa leaving on 28 April 2023	Recruitment is underway and final interviews are to take place in March 2023.
Director of Integrated Growth and Development  Place Directorate	Interim acting up arrangements to continue for an additional six months, pending a review of the structure.	Recruitment is to commence in March 2023.

## 3. EQUALITIES IMPLICATIONS

The Council is committed to equalities and such considerations will be part of the recruitment process and informs the procurement process. All posts are recruited to on merit. Recruitment to the vacancies has been carried out in accordance with the Council's procedures.

## 4. OTHER STATUTORY IMPLICATIONS

4.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 4.2 Recruitment to the senior management structure enables the Council to deliver excellent services for residents and deliver the associated financial saving.
- 4.3 Risks associated with recruitment have been mitigated by the engagement of specialised recruitment adviser(s).
- 4.4 There are no other specific implications arising from this report.

**5. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 5.1 The posts are part of the core management team structure agreed and sufficient base budget funding has been set aside to meet the cost associated with those posts.

**6. COMMENTS OF LEGAL SERVICES**

- 6.1 This report provides an update on Chief Officer and Deputy Chief Officer Recruitment Activity and extensions to interim appointments and there are no legal implications in relation to this.

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- None

**Appendices**

- None

**Background papers**


- None

**Officer contact details for documents:**

Catriona Hunt 0207 364 4522

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<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>Thursday 23 February 2023</p>	
<p><b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer and Musrat Zaman, Director of Workforce, OD and Business Support</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Process for agreeing a Special Severance Payment</b></p>	

<b>Originating Officer(s)</b>	Musrat Zaman, Director of Workforce, OD and Business Support
<b>Wards affected</b>	All Wards

### Executive Summary

On Wednesday 1 February 2023 it was announced that the Chief Executive, Will Tuckley, would be leaving the Council by mutual agreement on 2 March 2023. A Special Severance Payment is being negotiated as part of the agreement.

Where a Chief Executive (Head of Paid Service) leaves a local authority there are a number of processes which must be followed. This report provides the General Purposes Committee with an overview of relevant parts of the process for information purposes.

The report also asks the Committee to agree to the establishment of an Independent Panel to review and approve the proposed Special Severance Payment (SSP) to avoid a conflict of interest, as set out in Statutory Guidance. On 12 May 2022, the Secretary of State issued new statutory guidance on the making and disclosure of Special Severance Payments (SSP) by local authorities. A paper was brought to GPC on 13 October 2022 where the guidance was adopted into the council's Pay Policy.

SSP's are payments made to employees, officeholders, workers, contractors, and others outside of the statutory, contractual or other requirements when leaving employment in public service. Such payments may only be made where there is a convincing case that they are in the interests of taxpayers. In taking decisions, elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Guidance recommends that the SSP should be approved by a panel of

at least 2 Independent Persons. This needs to take place before the SSP is voted upon by Full Council.

### **Recommendations:**

The General Purposes Committee is recommended to:

1. Review and note the process for agreeing the Special Severance Payment to the outgoing Chief Executive.
2. To agree to the establishment of a Panel of Independent Persons to review and approve the Special Severance Payment to the outgoing Chief Executive before the proposal is submitted to Council for a final decision as set out in Section 3 of the report.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The General Purposes Committee oversees Human Resources matters on behalf of Council relating to incoming and outgoing Chief Executives (Head of Paid Service).

### **2. ALTERNATIVE OPTIONS**

- 2.1 The General Purposes Committee could decide not to establish the Independent Panel but that is not recommended as it would go against Statutory Guidance and could leave the Council open the legal challenge.

### **3. DETAILS OF THE REPORT**

- 3.1 On Wednesday 1 February 2023 it was announced that the Chief Executive, Will Tuckley, would be leaving the Council by mutual agreement on 2 March 2023.
- 3.2 Where a Chief Executive (Head of Paid Service) leaves a local authority there are a number of processes which must be followed. This report provides the General Purposes Committee with an overview of relevant processes for information purposes.
- 3.3 The outline of the process is as follows:
  - An agreement is reached with the outgoing Chief Executive
  - Any SSP included in the agreement should then be approved by a Panel of Independent Persons (see below).
  - A final decision to agree the payment must be taken by Full Council where it relates to a Chief Executive.

#### Independent Panel

- 3.4 The requirement for a panel of Independent Persons to review SSP's agreed with an outgoing Chief Executive is a new requirement set out in Statutory

Guidance issued on 12 May 2022 (Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England). This requirement was introduced to avoid the potential for a conflict of interest in the making of the payment to the most senior officer in the authority who would usually be required to sign off such payments.

- 3.5 The guidance states that the panel must consist of at least two Independent Persons. It does not state who those persons should be but similar guidance on HR processes does specify that the Council should make use of its Independent Persons appointed to the Standards Advisory Committee and it is proposed that a similar arrangement is employed here.
- 3.6 The proposal is that a two-person Independent Panel be established including:
- Charlotte Webster – Independent Person for the Audit Committee
  - Rachael Tiffin – Independent Person for the Standards Advisory Committee
- 3.7 It is considered that the financial expertise of the Independent Person from the Audit Committee will be valuable to the Panel alongside the governance expertise of the Independent Person from the Standards Advisory Committee.
- 3.8 The Panel will be supported by:
- Musrat Zaman, Director of Workforce, OD and Business Support
  - A Legal Services Officer
  - Clerking will be provided by Democratic Services
- 3.9 The Panel will review a report presented by the above officers setting out the proposed Special Severance Payment along with information in relation to its Best Value and other considerations.
- 3.10 The Panel may question internal and external individuals as appropriate, following advice by officers, including relevant parties involved in the process to this point.
- 3.11 Following the meeting the Panel will report its considerations to the next meeting of Council as to whether or not it has agreed the proposed SSP.
- 3.12 Council must take this report into consideration before taking its final decision on whether to agree the payment.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 None specific to this report but the Independent Panel should consider relevant equalities matters in relation to the SSP (if any).

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.
- 5.2 The proposal to establish an Independent Panel is designed to help ensure the Council receives Best Value from any SSP agreed with the Chief Executive.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 Any payments associated with the departure of the Chief Executive will be met from the General Fund. There is a corporate budget for severance and pension strain and the payments will be reflected in the outturn for 2022/23.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (Regulation 6) allow a local authority to make a discretionary compensation payment where a person—
- a) ceases to hold his employment with an employing authority, and
- (b) in respect of that cessation may not count an additional period of membership under regulation 52 (power of employing authority to increase total membership of members) of the Pension Regulations(1).
- (2) Where this regulation applies, the employing authority may, not later than six months after the termination date, decide to pay compensation under this regulation and in that event shall, as soon as reasonably practicable after the decision, notify the person in whose favour it has been made, giving details of the amount of the compensation.
- (3) The amount of compensation must not exceed 104 weeks' pay
- 7.2 The Statutory Guidance referred to in paragraph 3.4 of this report should be followed by the Council. The guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in section 3 of the Local Government Act 1999 provides that “a best value authority must make

arrangements to secure continuous improvements in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". The best value duty is relevant to the Council's duty to secure value for money in spending decisions. This will include decisions to make Special Severance Payments. The guidance is issued under section 26 of the 1999 Act which is to set out the government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances. The guidance sets out the criteria that employers should consider in the exceptional circumstances in which it might be appropriate to make a Special Severance Payment. The report also confirms that the Guidance has been adopted into the Council's Pay Policy.

- 7.3 The Council has a responsibility to ensure that there is a clear, evidenced justification for making a Special Severance Payment and to ensure that all relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented. It is the responsibility of the individual employer to ensure their Special Severance Payment arrangements are fair, proportionate, lawful and provide value for money for the taxpayer. Local authorities must genuinely consider the payment to be in the public interest. In taking decisions, elected members must make all proper enquiries and consider all available material that can help in coming to a decision
- 7.4 The proposed settlement terms for the Chief Executive contain payments which fall under the definition of a Special Severance Payment. The Guidance states that the government expects that any Special Severance payments should be approved according to the following process
- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
  - payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
  - payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments.
- 7.5 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. The measures proposed in this report to establish an independent panel including use of the Independent Persons appointed to the Standards Advisory Committee and Audit Committee are reasonable. The review and reporting mechanisms suggested for the panel are also reasonable.
- 7.6 The Council's section 151 Officer and Monitoring Officer, as part of their duties, should also scrutinise and be able to justify any special severance payments that are made by the Authority

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 - Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England – May 2022.

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

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None

### **Officer contact details for documents:**

N/A

Statutory guidance

# Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England

Published 12 May 2022

## Applies to England

### Contents

1. [Introduction](#)
2. [What is a special severance payment?](#)
3. [Considerations for local authorities on potential Special Severance Payments](#)
4. [Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments](#)
5. [Accountability and disclosure](#)

[List of bodies this guidance applies to](#)



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This publication is available at <https://www.gov.uk/government/publications/special-severance-payments/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england>



# 1. Introduction

1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy or severance payments made in the private sector. The government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

1.2 This guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in [section 3 of the Local Government Act 1999](https://www.legislation.gov.uk/ukpga/1999/27/section/3) (<https://www.legislation.gov.uk/ukpga/1999/27/section/3>) (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

1.3 Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. [A list of these bodies can be found at the end of this guidance.](#)

1.4 This guidance also sets out the government’s position on the use of Special Severance Payments made by local authorities.

1.5 This guidance is issued under section 26 of the 1999 Act, the purpose of which is to:

- set out the government’s view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate
- clarify the disclosure and reporting requirements for Special Severance Payments

1.6 Severance payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all

relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

1.7 In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of individual employers to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

## **2. What is a special severance payment?**

2.1 In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

2.2 It is established case-law<sup>[\[footnote 1\]](#)</sup> that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract

b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

2.5 The following do not constitute Special Severance Payments:

a) statutory redundancy payments

b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise

c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)

e) payment for untaken annual leave

f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation

g) payments made as part of the ACAS Early Conciliation process

h) payments made to compensate for injury or death of the worker

i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

### **3. Considerations for local authorities on potential Special Severance Payments**

3.1 This chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

3.2 Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the government expects local authorities to consider whether such a payment would be a proper use of public money. Local authorities should also monitor and review their policies on the award of special severance payments to ensure that

they are also consistent with their Public Sector Equality Duty under the Equality Act 2010.

## **Economy**

3.3 Local authorities should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered
- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone

## **Efficiency and effectiveness**

3.4 In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether those complaints should be settled by making an award to the complainant from public funds

## 4. Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments

4.1 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

4.2 Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas). Authorities may also consider that a Special Severance Payment is appropriate in circumstances where, to help recruitment and retention, it has resolved to recognise for severance payment calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government)<sup>[\[footnote 2\]](#)</sup>.

4.3 Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

4.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

## 5. Accountability and disclosure

### Accountability

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011

- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

5.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. A system of legal duties also requires elected members to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers (the section 151 officer or Chief Finance Officer) has responsibility for the administration of those affairs". The section 151 officer has an important role in holding local authorities to account and has duties to alert elected members and the auditor in the case of unlawful expenditure.

5.3 This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a Monitoring Officer, who must report to the local authority when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

5.4 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

## Disclosure

5.5 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information<sup>[footnote 3]</sup>. This sets a requirement for local authorities to publish, under the Account and Audit Regulations 2015:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name

In addition to this requirement, local authorities must publish, for all employees whose salary exceeds £50,000, a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and benefits-in-kind.

5.6 DLUHC has initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

5.7 Section 38 of the Localism Act 2011 requires the local authority to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further guidance on the requirements of the Localism Act 2011 has been issued [\[footnote 4\]](#).

5.8 In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6) (flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension).

5.9 Regulation 10 of the Accounts and Audit Regulations 2015 require authorities to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance [\[footnote 5\]](#) on reporting exit payments, local authorities should also disclose in their annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). Apart from where otherwise required by law, reporting may be anonymised to comply with data protection requirements.

## List of bodies this guidance applies to

- An English local authority, including:
  - a county council in England, a district council or a London borough council
  - the Council of the Isles of Scilly
  - the Common Council of the City of London in its capacity as a local authority
  - the Greater London Authority so far as it exercises its functions through the Mayor
- A National Park authority for a National Park in England
- The Broads Authority
- The Common Council of the City of London in its capacity as a police authority

- A fire and rescue authority constituted by a scheme under [section 2 of the Fire and Rescue Services Act 2004](https://www.legislation.gov.uk/ukpga/2004/21/section/2) (<https://www.legislation.gov.uk/ukpga/2004/21/section/2>) or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority in England
- The London Fire Commissioner
- An authority established under [section 10 of the Local Government Act 1985 \(waste disposal authorities\)](https://www.legislation.gov.uk/ukpga/1985/51/section/10) (<https://www.legislation.gov.uk/ukpga/1985/51/section/10>)
- An Integrated Transport Authority for an integrated transport area in England
- An economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](https://www.legislation.gov.uk/ukpga/2009/20/section/88) (<https://www.legislation.gov.uk/ukpga/2009/20/section/88>)
- A combined authority established under [section 103 of that Act](https://www.legislation.gov.uk/ukpga/2009/20/section/103) (<https://www.legislation.gov.uk/ukpga/2009/20/section/103>)
- A sub-national transport body established under [section 102E of the Local Transport Act 2008](https://www.legislation.gov.uk/ukpga/2008/26/section/102E) (<https://www.legislation.gov.uk/ukpga/2008/26/section/102E>)
- Transport for London

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1. In Re Hurle-Hobbs's Decision (1944) 1 All E.R. 249.
  2. Under the Employment Rights Act 1996 employees need two years service with their current or an "associated employer" to qualify for a redundancy payment. The purpose of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended, is to provide a statutory list of 'associated employers' for the purposes of redundancy payments. The list set out in the Order includes all local authorities as well as various other, but not all, other local public service providers.
  3. [Local government transparency code 2015](https://www.gov.uk/government/publications/local-government-transparency-code-2015) (<https://www.gov.uk/government/publications/local-government-transparency-code-2015>).
  4. [Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011](https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-supplementary-guidance) (<https://www.gov.uk/government/publications/openness-and-accountability-in-local-pay-supplementary-guidance>).
  5. CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21.

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<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>23 February 2023</p>	
<p><b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer and Musrat Zaman, Director of Workforce, OD and Business Support</p>	<p><b>Classification:</b> Part exempt</p>
<p><b>Process for agreeing interim arrangements for the Chief Executive role</b></p>	

<b>Originating Officer(s)</b>	Janet Fasan, Director of Legal and Monitoring Officer and Musrat Zaman, Director of Workforce, OD and Business Support
<b>Exempt information</b>	<p>This report and/or its appendices include information that has been exempted from publication as the Monitoring Officer:</p> <ul style="list-style-type: none"> <li>• has deemed that the information meets the definition of a category of exempt information as set out in the Council’s Access to Information Rules; and</li> <li>• has deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</li> </ul> <p>The exempt information is contained in Appendix A and falls into this category:</p> <p>2. Information which is likely to reveal the identity of an individual.</p>
<b>Wards affected</b>	All Wards

### Special Circumstances Justifying Urgent Consideration

This report was not available for publication with the agenda as it was not possible to collate all the relevant information in time following the announcement of the departure of the Council’s Chief Executive. The report cannot wait until the next scheduled meeting of the Committee as the Chief Executive is due to depart on 2 March and necessary processes must be concluded by that date.

### Executive Summary

On Wednesday 1 February 2023 it was announced that the Chief Executive, Will Tuckley, would be leaving the Council by mutual agreement on 2 March 2023.

This report sets out the process and proposals for agreeing interim arrangements for the Chief Executive, Head of Paid Service and Electoral Returning Officer positions

The General Purposes Committee are asked to review and comment on the report. Minutes of the discussion will be included in the final report taken to Council to agree these interim arrangements.

### **Recommendations:**

The General Purposes Committee is recommended to:

1. Review the process and proposals for agreeing interim arrangements for the Chief Executive, Head of Paid Service, Electoral Registration Officer and Returning Officer roles.
2. If satisfied, recommend the appointment of Stephen Halsey to Full Council as Interim Chief Executive ( Head of Paid Service) and Electoral Returning Officer positions) effective from 2<sup>nd</sup> March 2023 until such time as a Permanent Chief Executive is appointed.
3. Note that under the Council's Constitution, appointment of Head of Paid service is reserved to Full council upon recommendation of an Appointments sub-committee (GPC) but that in this case the General Purposes Committee agrees to make the recommendation to Council without a Sub-Committee recommendation due to the urgency of the need to appoint an Interim Head of Paid Service /Chief Executive by 2 March 2023.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The General Purposes Committee oversees Human Resources matters on behalf of Council relating to incoming and outgoing Chief Executives (Head of Paid Service).

### **2. ALTERNATIVE OPTIONS**

- 2.1 The General Purposes Committee can comment on the process and proposals set out before a final decision is taken by Council.

### **3. DETAILS OF THE REPORT**

- 3.1 On Wednesday 1 February 2023 it was announced that the Chief Executive, Will Tuckley, would be leaving the Council by mutual agreement on 2 March 2023.
- 3.2 It was also announced that a process would shortly commence to recruit a new permanent Chief Executive.
- 3.3 The Officer Employment Procedure Rules (Part C of the Constitution) set out the procedures that would normally be followed to recruit a Chief

Executive/Head of Paid service , including the role for Members through the Appointments Sub-Committee and General Purposes Committee, leading to a final decision on the appointment to be taken by Full Council.

- 3.4 That process will be initiated with the support of the General Purposes Committee at the appropriate time and is expected to take a number of months.
- 3.5 In the meantime, it is necessary to agree interim arrangements and due to the urgency of the need to appoint an Interim Head of Paid Service/Chief Executive by the time that the current appointee, Will Tuckley, leaves the Council, a curtailed process has been necessary in relation to the making of this Interim appointment.
- 3.6 Following the advice of Richard Penn, Consultant, it is proposed that Stephen Halsey be appointed as Interim Chief Executive/Head of Paid Service until such time as a permanent appointment can be made. The search process that led to Stephen Halsey being recommended is set out in exempt Appendix A to this report. The General Purposes Committee is asked to recommend to full council the appointment of Stephen Halsey as Interim Chief Head of Paid service/Chief Executive.
- 3.7 The Job description for the Chief Executive requires the post holder to assume the roles of Head of Paid Service, Electoral Registration Officer and Returning Officer and Council will be asked to note this.
- 3.8 A report on these matters will be presented to the Council meeting to be held on 1 March 2023.
- 3.9 The General Purposes Committee has oversight of HR matters and so this report provides the committee with the opportunity to comment on the proposal before the final report is presented to Council. A minute of the Committee discussion will be appended to that report.
- 3.10 It is proposed that the interim appointment will last until such time as a permanent Chief Executive is appointed. The Committee are asked to note that this may take longer than six months and as set out in the Constitution, the Committee are required to agree interim appointments that extend beyond that time period.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 None specific to this report but equalities considerations will be an important part of any process to recruit a new permanent Chief Executive.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are

required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There would be multiple, serious risks to the Council if it did not have a designated Head of Paid Service as this is a statutorily required position.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 It is likely that the interim arrangements will be more costly than the permanent arrangements, particularly as the interim is already in place before the Chief Executive has left and this will be reflected in the monitoring for 2022/23 and for 2023/24

## **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 4 of the Local Government & Housing Act 1989 requires every relevant authority to designate one of their officers as Head of Paid Service. The Chief Executive is currently Head of Paid Service.

7.2 Paragraph 3.3 of this report sets the usual Constitutional requirements for the recruitment to the Head of Paid Service role.

7.3 At Part B, Section 19, of the Constitution, the General Purposes Committee has responsibility for determining the criteria for the appointment of the Head of Paid Service and so has the authority to agree interim arrangements as referred to in paragraphs 3.5 and 3.10 of this report.

7.4 This committee can make recommendations to Full Council on the appointment of the Head of Paid Service. However, Full Council approval is required for the appointment to the role.

7.5 Sections 8 and 35 of the Representation of the People Act 1983 require the Council to have an Electoral Registration Officer and a Returning Officer respectively. In accordance with the Constitution at Part D, Section 45, both roles are assigned to the Chief Executive.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

**Appendices**

- Appendix A –Consultant report on the recruitment of an Interim Chief Executive and HOPS, London Borough of Tower Hamlets [EXEMPT]

**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

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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