

Human Resources Committee

**Thursday, 7 March 2024 at 6.30 p.m.
Committee Room - Tower Hamlets Town Hall,
160 Whitechapel Road, London E1 1BJ**

Supplemental Agenda

- 4 .2 Update on Senior Recruitment (Pages 3 - 6)
- 4 .3 Update on Disciplinary Action Process for Statutory Officers (Pages 7 - 18)


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Non-Executive Report of the: Human Resources Committee 7 March 2024	
Report of: Director of Director of Workforce, OD & Business Support	Classification: Unrestricted
Update on Senior Recruitment	

Originating Officer(s)	Pat Chen, Acting Director of Workforce, OD & Business Support
Wards affected	None

Special Circumstances Justifying Urgent Consideration

This report was not available for publication alongside the rest of the agenda due to waiting for confirmation of appointments and announcements about postholders leaving the council. The report should be considered at this meeting because it is important to ensure that appointments and progress to senior posts are reported. date.

Executive Summary

This report updates Members on recruitment to senior posts.

Recommendations:

The Human Resources Committee is recommended to:

- a) Note the current position on the recruitment to senior management vacancies and any interim arrangements in place.
- b) Agree the amendments to the Appointment Sub Committee procedures.

1. REASONS FOR THE DECISIONS

- 1.1 The Human Resources 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.
- 1.2 Section 5.2 of the Officer Employment Procedure Rules states the engagement of Chief Officers, to permanent positions or interim positions of over six

months, will be through the normal recruitment process overseen by the Human Resources Committee.

2. DETAILS OF THE REPORT

2.1 Background

Human Resources Committee received an update in November 2023. This report sets out the current status of recruitment to vacant senior roles in the corporate structure. It also

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.

Job title	Current arrangements	Comments
Corporate Director Health & Adult Social Care & Deputy Chief Executive	Denise Radley has resigned. Date of leaving to be confirmed as she will remain in post until an appointment is made.	Post to be advertised March 24.
Corporate Director Housing and Regeneration	Interim cover arrangements in place – Paul Patterson	Final interviews held on 14/12/23. No permanent appointment made. Will be readvertised May/June 24.
Corporate Director Communities	Simon Baxter appointed and started on 8 January 2024	Permanent postholder now in place
Corporate Director Children's Services (DCS)	Interim cover arrangements in place – Stephen Reddy	Final interviews held on 27/11/23. No permanent appointment made. Will be readvertised March 24.
Director of Finance (Deputy S 151)	Abdulrazak Kassim started on 2 January 2024	Permanent postholder now in place
Director Public Realm	Interim cover arrangements in place – Ashraf Ali	Final interview 18/12/23. Appointment offered but candidate subsequently withdrew. Will be readvertised May/June 24.

Director Planning & Building Control	Interim cover arrangements in place – David Williams	Final interviews 16/1/24. Recruitment checks in progress. Start date TBC.
Director Culture	Interim cover arrangements in place – Raj Mistry	Final interviews 8/1/24. Jahur Ali starting on 1 April 2024.
Director Commissioning and Youth	Interim cover arrangements in place – Layla Richards	Final interviews 6/2/24. Recruitment checks in progress.
Director Property and Major Programmes	Interim cover arrangements in place – Kamran Rashid	Post and structure being reviewed
Director Growth and Economic Delivery	Interim cover arrangements in place – Ellie Kershaw	Post and structure being reviewed
Director Customer Services	Interim cover arrangements in place – Leah Sykes	Post and structure being reviewed
Director Strategy Improvement & Transformation	Interim cover arrangements in place – Robin Beattie	Post and structure being reviewed
Director of Workforce, OD & Business Support	Interim cover arrangements in place – Pat Chen	Post and structure being reviewed
Director of IT	Interim cover arrangements in place – Hemanth Shanthigrama	Post and structure being reviewed

3. EQUALITIES IMPLICATIONS

- 3.1 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 will be 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 will be mitigated by the engagement of specialised recruitment adviser(s) to work with us on the identification of suitable candidates.
- 4.4 The roles are all member appointments and an Appointments Sub-Committee has been set up for each role. Some roles may also involve wider engagement of members, external stakeholders, and internal staff during the selection process.
- 4.5 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 agreed core management team structure and sufficient base budget funding will be set aside to meet the cost associated with these posts.

6. COMMENTS OF LEGAL SERVICES

- 6.1 This report provides an update on Chief Officer recruitment activity and there are no legal implications in relation to this.

Linked Reports, Appendices and Background Documents

Linked Report


- none

Appendices

- none

Officer contact details for documents:

- Pat Chen – pat.chen@towerhamlets.gov.uk

Non-Executive Report of the: Human Resources Committee 7 March 2024	 TOWER HAMLETS
Report of Pat Chen, Acting Director of Workforce, OD and Business Support	Classification: Unrestricted
Disciplinary Procedure for Statutory Officers	

Originating Officer(s)	Pat Chen
Wards affected	All Wards

Special Circumstances Justifying Urgent Consideration

This report was not available for publication alongside the rest of the agenda due to the length of time required to consult with relevant stakeholders. The report should be considered at this meeting because it is important to make sure that Council procedures are up to date. There are also no alternatives to consider as the Council needs to ensure procedures match up with agreed national arrangements.

Executive Summary

This report sets out the new procedures that need to be followed in relation to the disciplinary procedure for the Council’s three Statutory Officers following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and the Model Disciplinary Procedure for Chief Executives agreed by the JNC for Chief Executives of Local Authorities as updated in September 2022.

Recommendations

The Human Resources Committee is recommended to:

1. Agree the new procedures as set out in Appendix 1 to this report.
2. Delegate to the Director of Workforce, OD and Business Support in consultation with the Chair of the Investigation and Disciplinary Sub Committee the power to suspend a Relevant Officer in cases of urgency.
3. Agree that a report be presented to Council setting out consequent amendments to the Constitution to address the changes agreed in Recommendations 1 and 2.
4. Agree that the Director of Workforce, OD and Business Support is delegated authority to make minor non-material changes to the procedures set out in Appendix 1, following consultation with the Chair of the Human Resources Committee before the final version is presented to Council for agreement.

1. REASONS FOR THE DECISIONS

- 1.1 The current procedures are out of date and do not reflect the statutory provisions and the JNC Model Disciplinary Procedures

2. ALTERNATIVE OPTIONS

- 2.1 There are no alternative options as this is a statutory requirement.

3. DETAILS OF THE REPORT

3.1 Background

3.1.1 Every Council is required to appoint a Head of Paid Service, a Monitoring Officer, and a Chief Finance (Section 151) Officer. (Relevant Officers). Each of these posts carries specific statutory responsibilities. As these post holders operate in a sensitive environment, Councils have been required to follow special procedures to investigate disciplinary matters regarding officers holding these positions.

3.1.2 Prior to the 2015 Regulations, procedures were governed by statutory Designated Independent Person (DIP) provisions. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 replaced the statutory DIP provisions with an Independent Panel process.

3.1.3 The Chief Executives' Conditions of Service Handbook (the Handbook) was updated to reflect the changes made to the regulations in which a revised (disciplinary) model procedure was set out. The Chief Officers' handbook was originally, published in August 2017, and was further updated in September 2022 to reflect the changes made by the regulations, and refers officers to the model set out in the Chief Executive's handbook as a reference guide for the dismissal process.

3.2 Main Changes

The 2015 Regulations amended the dismissal process for the Relevant Officers by removing the requirements for a Council to appoint a Designated Independent Person and act in accordance with any recommendations made by them. The new regulations provide that a Council must appoint an Independent Panel (the Panel) made up of a minimum of two independent persons (IPs) appointed under section 28 of the Localism Act 2011 (in relation to standards complaints against members), whose advice, views and recommendations should be considered before any decision by the Council to dismiss a Relevant Officer can be made.

3.3 Disciplinary Procedure for Relevant Officers

After consideration of the model set out in the Chief Executives' Handbook, we have adapted the model to be applied to all Relevant Officers of the Council. The resulting procedure clarifies which Committees and Officers would be responsible at the various stages and are set out in Appendix 1.

Human Resources Committee is recommended to approve the draft procedure attached at Appendix 1. The key Committees/Panels are:

3.3.1 The Investigating and Disciplinary Committee

The Investigating and Disciplinary Committee of the Council will be a sub-committee of the Human Resources Committee established to deal with formal disciplinary matters in respect of the Relevant Officers. The Investigating and Disciplinary Sub Committee (IDSC) will be a standing Committee of the Council.

3.3.2 Disciplinary Appeal Sub Committee

The Sub Committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The Sub Committee's duties relate to hearing appeals against decisions by the IDSC in relation to the Relevant Officer

3.3.3 The Independent Panel

The Independent Panel must be appointed at least 20 days before the Council meeting at which dismissal is considered.

3.3.4 Delegation of Powers to Suspend

Ordinarily the Investigating and Disciplinary Sub-Committee (IDSC) of the Human Resources Committee will consider whether it is appropriate to suspend a Relevant Officer. The Chief Executive's Handbook however recommends that an officer should hold the delegated power to suspend a Relevant Officer in an emergency. It is recommended that the Director, Workforce, OD and Business Support be given that delegated authority in consultation with the Chair of the IDSC.

3.4 **Constitution**

Should the above proposed changes be agreed, these will require amendments to be made to the Constitution. The General Purposes Committee is often asked to agree consequent Constitutional changes but given that these changes relate to the three Statutory Officers it is proposed that a report is instead presented to Council to agree those changes.

4. **EQUALITIES IMPLICATIONS**

4.1 All relevant Officers must be treated fairly under these procedures irrespective of any protected characteristics.

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 the statutory implications listed above. The Council must maintain up-to-date and effective procedures in relation to Statutory Officer Employment Arrangements.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications from this specific report.

7. COMMENTS OF LEGAL SERVICES

7.1 There are no direct legal implications arising from this report which proposes the required statutory changes to the disciplinary process except for a failure to agree the new procedure may have contractual implications for any affected chief officer if action is taken against them using the obsolete, non-statutory process currently in place which could leave the Council at risk of a claim for breach of contract.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Disciplinary Procedure for Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (Head of Legal Services) and the Section 151 Officer (Chief Finance Officer).

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.

- JNC for Chief Executives Model Disciplinary Procedure

Officer contact details for documents:

Pat Chen, Acting Director of Workforce, OD and Business Support

London Borough of Tower Hamlets

Disciplinary Procedure for Statutory Officers

- **Head of Paid Service (Chief Executive)**
- **Monitoring Officer (Director of Legal Services)**
- **Section 151 Officer (Chief Finance Officer)**

Policy Name:	Disciplinary Procedure for Statutory Officers
Policy Owner:	Workforce and Organisational Development
Implementation:	2024
Latest review:	2024
Next review:	As required



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1. Background

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 made changes to the matters relating to the dismissal of the three statutory officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer. This disciplinary procedure is based on that set out in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook (the JNC Handbook) as updated in September 2022. It applies to Tower Hamlets' (the Council) Chief Executive, Monitoring Officer and Chief Finance Officer (the Relevant Officers).

2. Informal Resolution

In accordance with the procedure in the JNC Handbook the Council and the Relevant Officer will seek an informal resolution before formal disciplinary proceedings are commenced. The Director of Workforce, OD and Business Support will be responsible for seeking an informal resolution with the Relevant Officer. If informal resolution is not possible, the complaint/allegation will be referred to an Investigating and Disciplinary Sub-Committee (IDSC). All the posts in this section (2.1) are collectively referred to as Chief Officer in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989.

3. The Investigating and Disciplinary Sub-Committee

The Investigating and Disciplinary Sub-Committee of the Council will be a sub-committee of the Human Resources Committee established to deal with formal disciplinary matters in respect of the Relevant Officers.

3.1 Composition

The Investigating and Disciplinary Sub Committee shall comprise of five members of the Council as follows:

- Chair of the Human Resources Committee
- One Member of the Executive (nominated by the Mayor but who is not the Mayor)
- Three other Members appointed by the Leaders of the Political Groups on the Council from all Councillors within their Groups such that the overall composition of the Sub-Committee shall be politically balanced.

All members will have appropriate training before they can be part of the IDSC.

3.2 Quorum

The quorum of the IDSC shall be three members.

3.3 Terms of Reference

3.3.1 To consider any allegations made against the Relevant Officer.

3.3.2 To consider the responses from the Relevant Officer in relation to the allegations and determine the following outcomes:

- that no further action is required;
- that there is some minor fault or error on behalf of the Relevant Officer, but the matter can be resolved with an informal un-recorded warning;
- that there are grounds for an independent disciplinary investigation to be conducted.

3.3.3 If the IDSC determines that an independent disciplinary investigation should be conducted it will:

- 3.3.3.1 appoint an Independent Investigator from the list provided by the Joint Secretaries of the Joint Negotiating Committee for Chief Executives of Local Authorities;
 - 3.3.3.2 determine the scope of, and set out the terms of reference for the investigation to be conducted by the Independent Investigator;
 - 3.3.3.3 determine whether the Relevant Officer should be suspended, subject to cases of urgency where the Director of Workforce, OD and Business Support following consultation with the Chair of the IDSC will have the power to suspend;
 - 3.3.3.4 review the continuance of the suspension of the Relevant Officer should it exceed 2 months;
 - 3.3.3.5 receive the report and consider any recommendations of the Independent Investigator;
 - 3.3.3.6 convene a hearing at which the report and any recommendations of the Independent Investigator are considered in accordance with the ACAS Code of Practice;
 - 3.3.3.7 ensure that the Independent Investigator and the Relevant Officer are able to attend the meeting and are provided with an opportunity to submit evidence, call and question witnesses and summarise their case;
- 3.3.4 Following consideration of the Independent Investigator's report, representations from the Independent Investigator, the Relevant Officer, relevant witnesses the IDSC will determine either:
- that there is no case to answer
 - that disciplinary action short of dismissal should be taken against the statutory post holder by the IDSC
 - a recommendation to dismiss the Relevant Officer
- 3.3.5 If the IDSC proposes to recommend dismissal it will:
- 3.3.5.1 notify the Mayor and the Executive that it is proposing to dismiss the Relevant Officer and ask if there are any objections to the proposal.

- 3.3.5.2 consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, the IDSC will consider the impact of the executive objections and commission further investigation and reports by the Independent Investigator if these are required.
- 3.3.5.3 notify the Relevant Officer if there are no material or well-founded objections to the proposal to dismiss and that the recommendation will be considered by an Independent Panel along with the Independent Investigator's report and any oral or written representation from the Relevant Officer.
- 3.3.5.4 consider subsequent advice, views and/or recommendations given by the Independent Panel
- 3.3.5.5 make a recommendation to full Council that the Relevant Officer be dismissed, which takes into consideration and includes the views of the Independent Panel, the conclusions of the investigation and any representations from the Relevant Officer
- 3.3.6 Where the IDSC has made a recommendation to Council to dismiss, a meeting of Full Council will review all available evidence and all views/recommendations expressed and consider oral and/or written submissions by the IDSC before reaching a final decision. The representations made by the Relevant Officer to Council constitute the appeal process.
- 3.3.7 Where the IDSC has made a recommendation for disciplinary action short of dismissal, the Relevant Officer may appeal to the Disciplinary Appeals Sub Committee.

4. Disciplinary Appeals Sub Committee

The Sub Committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The Sub Committee's duties relate to hearing appeals against decisions by the IDSC in relation to the Relevant Officer.

4.1 Composition

- 4.1.1 The Disciplinary Appeal Sub Committee shall comprise of five members, as follows:
- Vice-Chair of the Human Resources Committee (Chair)
 - One Member of the Executive (nominated by the Mayor but who is not the Mayor)
 - Three other Members appointed by the Leaders of the Political Groups on the Council from within their Groups such that the overall composition of the Sub-Committee shall be politically balanced.
- 4.1.2 Members of the Disciplinary Appeal Sub Committee may not be members of the IDSC.

4.2 Quorum

The quorum of the DASC shall be three members.

4.3 Terms of Reference

4.3.1 To receive and consider appeals made by the Relevant Officer following a decision by the IDSC to recommend that disciplinary action other than dismissal is taken against the Relevant Officer.

4.3.2 The Appeals Sub Committee will:

4.3.2.1 consider the report of the Independent Investigator and any other relevant information considered by the IDSC;

4.3.2.2 conduct any further investigation the Sub Committee considers necessary to reach a decision;

4.3.2.3 permit the Relevant Officer to appear at the meeting and state their case;

4.3.2.4 consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this Sub Committee;

4.3.2.5 determine if the appeal should be upheld or dismissed;

4.3.2.6 inform the Relevant Officer, if an appeal is dismissed, that there is no further appeal, that the decision of the IDSC stands and the matter is regarded as being concluded;

4.3.2.7 report back to the IDSC when an appeal is upheld, advising of the reasons for this decision.

5. The Independent Panel

The Independent Panel should comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

The Independent Panel must be appointed at least 20 days before the Council meeting at which dismissal is considered.

5.1 Terms of Reference

5.1.1 Where the IDSC is recommending dismissal, this recommendation will be considered by the Independent Panel.

5.1.2 This is not a full re-hearing of the case and will not involve the calling of witnesses.

5.1.3 Both parties should be present or represented (the IDSC might be represented by the Chair or other nominated person) at the Panel meeting. The Panel should hear the reasons for the IDSC's recommendation and also receive any

oral representations from the Relevant Officer. It may ask questions of either party.

- 5.1.4 The Independent Panel should review the IDSC's recommendation for dismissal and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

6. Full Council

- 6.1 Where there is a proposal to dismiss the Relevant Officer, the council must approve the dismissal before notice of dismissal is issued. The Council must therefore consider the proposal from the IDSC and reach a decision before the Relevant Officer can be dismissed.
- 6.2 The Council will consider the recommendation that the Relevant Officer should be dismissed, and must take into account:
- Any advice, views or recommendations of the Independent Panel
 - The conclusions of the investigations into the proposed dismissal
 - Any representations from the Relevant Officer
- 6.3 Where the Independent Panel does not endorse the recommendation of the IDSC, the Chair of the Independent Panel should be invited to attend and present the report of the Panel and to answer questions.
- 6.4 The Relevant Officer will have the opportunity to appear before the council and put their case to the council before a decision is taken.

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