

General Purposes Committee



Thursday, 13 October 2022 at 6.30 p.m.

Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda

Chair: Councillor Saif Uddin Khaled.

Members

Vice-Chair: Councillor Musthak Ahmed

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

Substitutes:

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

[The quorum for the General Purposes Committee is 3 Members]

Further Information

Reports for consideration, meeting contact details, public participation and more information is available on the following pages.



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers will be extremely limited due to the Covid 19 pandemic restrictions. You must contact the Democratic Services Officer to reserve a place, this will be allocated on a first come first served basis. No one will be admitted unless they have registered in advance.

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General Purposes Committee

Thursday, 13 October 2022

6.30 p.m.

**PAGE
NUMBER(S)**

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTERESTS

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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

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To agree the unrestricted minutes of the General Purposes Committee meeting held on 21 June 2022.

3. WORK PLAN

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

4. REPORTS FOR CONSIDERATION

4 .1 Local Authority Governor Applications October 2022

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4 .2 Composition of Dismissal Appeals Panel

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4 .3 Employee Relations Casework and Policy Review- Q1 - April - June 2022

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4 .4 **Recommendations on Implementation of Special Severance Payments Regulations** 63 - 78

4 .5 **Update on Senior Recruitment - October 2022** 79 - 82

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

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

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.

7. **EXEMPT MINUTES**

To agree the exempt minutes of the General Purposes Committee meeting held on 21 June 2022

Next Meeting of the Committee:

Thursday, 15 December 2022 at 6.30 p.m. to be held in the Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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.

21/06/2022

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE GENERAL PURPOSES COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 21 JUNE 2022
COMMITTEE ROOM ONE – 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 Abu Chowdhury

Councillor James King

Councillor Maium Talukdar

Councillor Abdal Ullah

Members in Attendance Virtually:

Councillor Maisha Begum

Officers Present in Person

Will Tuckley – (Chief Executive Officer)

Janet Fasan – (Director, Legal – Monitoring Officer)

Matthew Mannion – (Head of Democratic Services, Governance)

Justina Bridgeman – (Democratic Services Officer, (Committees))

Officers in Attendance Virtually:

Farhad Ahmed – (Head of Governance Information and Traded Services)

Musrat Zaman – (Director of Workforce, OD and Business Support)

Pat Chen – (Head of HR)

Apologies

Councillor Asma Begum

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1 ELECTION OF VICE-CHAIR

The Chair requested nominations for the position of Vice-Chair of the General Purposes Committee for the municipal year 2022/2023.

Councillor Maium Talukdar proposed Councillor Musthak Ahmed for the position. This was seconded by Councillor Kabir Ahmed.

There were no further nominations.

The General Purposes Committee;

RESOLVED

1. That Councillor Musthak Ahmed is elected as Vice-Chair of the General Purposes Committee for the municipal year 2022-2023.

2 DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disposable pecuniary interests.

3 MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the General Purposes Committee meeting held on 22 March 2022 were noted, as attendees were not present. The minutes held on 25 May 2022 were approved as a correct record of proceedings.

4. WORK PLAN

The Committee reviewed the work plan for the first meeting of the municipal year and the following were proposed:

Review on Employment Appeals and a review on Polling Stations

- Agreed to receive updates on whether these items can be reviewed at the next General Purposes Committee scheduled for 13 October 2022.

RESOLVED

1. That the General Purposes Work Plan be noted.

5. REPORTS FOR CONSIDERATION**5.1 Local Authority Governor Applications**

Farhad Ahmed, Head of Governance Information and Traded Services, introduced the report which detailed three recommended Governors be

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appointed to Tower Hamlets maintained primary schools and three reappointments.

As this was the first meeting of the municipal year with new administration, Mr. Ahmed informed the Committee that the summary of all BAME Governors will be submitted at the next General Purposes Committee.

RESOLVED

1. That the recommendations for Governors be agreed.
2. A summary of all BAME Governors be submitted at the next General Purposes Committee.
3. The report be noted.

5.2 Post-Election Report – Thursday 5 May 2022

Will Tuckley, Chief Executive Officer, introduced the report in his capacity as the Returning Officer. The report detailed the administrative arrangements put in place by the Returning Officer for the Mayoral and Borough Ward polls, held on Thursday 5th May 2022. The report is an information item only.

In response to the presentation, the Committee noted:

- A highly successful administered election/s
- Concerns about campaigning outside polling stations and clarification on any complaints logged.
- Concerns regarding disproportionate third-party reporting of family figures in Tower Hamlets, when other local authorities had similar numbers.
- Information had been received of postal votes not arriving on time for some electors to return and this should be looked at and any lessons learnt as to why this was the case.
- Clarification on the number of poll counting staff and any recruitment issues.
- Clarification on why poll counting took place at East Wintergardens, rather than the Excel Centre and why observers were not provided water.
- Clarification on the two wards requiring informal double checking and why this occurred.

Mr. Tuckley said that as long as campaigning outside polling stations did not intimidate constituents, this is a legitimate act. A government bill was quoted by many complainants but was incorrect because the bill was not enacted.

Tower Hamlets worked in conjunction with the Police regarding complaints which were formally logged by both sides. There are no complaints pending. It was agreed that third-party reporting on family voting to Tower Hamlets and appeared prevalent in the figures reported in other local authorities.

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The numbers of postal packs not received, although regrettable were minimal. Officers can look into the number of cases if required. Counting staff were recruited based on the capacity of the venue and numbers of staff withdrawing on polling day at the count was minimal.

The decision to hold the counts at the East Wintergardens was made as it had the capacity to accommodate both polls, it has the best quality accommodation and local services and was a better financial option by some way.

Mr. Tuckley apologised for not providing water to observers and confirmed decisions on re-counts are made at the Returning Officer's discretion. The informal double checking took place in two wards where there was an estimated small gap between the last elected candidate and the following one listed not elected and this affected two long standing councillors who appeared to be losing their seats. The names of the two wards in question will be submitted to the Committee for information.

Electors/residents were encouraged to vote in the run up to the election via a comprehensive communications engagement programme linked with the Electoral Commission. The Returning Officer, Electoral Commission and Tower Hamlets Communication team had done a great deal to encourage electoral registration and access to the various voting methods available.

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, this the case since 2015.

The Chair thanked Mr. Tuckley and the Electoral Services department for their success in conducting the election.

RESOLVED

1. Details of the two wards which required re-counts be submitted to the Committee for information.
2. The report be noted.

5.3 Annual Report on Employee Relations Casework and Policy

Musrat Zaman, Director of Workforce, OD and Business Support, introduced the annual report which detailed the level and management of employee relations casework with the Council and highlighted progress made. This report relates to the period from April 2021 – March 2022.

In response to the presentation, the Committee noted:

- Clarification on why the report was moved from quarterly to annual submittance.

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- As the General Purposes Committee now consists of Members from the new administration, a proposal was made for the report to be reverted back to quarterly submittance.
- Clarification on the ratio of panellists.
- Proposal to reinstate the formal three-member appeals panel.

Pat Chen, Head of HR clarified that the agreement to submit the report on an annual basis was made at the General Purposes Committee meeting held on 01 January 2022. At that time, the Committee were assured the good work would continue and therefore took the view that a quarterly update to the Committee in such detail was no longer required. A proposal was made to receive a report detailing updates on an annual basis going forward.

Musrat Zaman reported that the new appeals process had been agreed by the General Purposes Committee and assured members that appropriate training for managers was provided and that independence is built into the Disciplinary Process. Furthermore, she confirmed that Trade Unions are involved in every step of the process and provide an additional level of scrutiny.

The Committee were urged to consider that 4 dismissals had taken place (workforce of circa 4,000 staff) and that the current process was robust, and these decisions are the responsibility of Officers with one Member on the appeal panel. Any changes can also not be unilaterally made and may require a change of constitution through Full Council.

Mr. Tuckley advised the Committee to look carefully at the evidence before proposing further changes as more evaluation is required. Employment tribunals may result from appeals and decisions are usually taken by officers in most local authorities. It was noted that Members who attended previous tribunals, felt it highly inappropriate for them to be part of that process. This then presents a greater risk to the organisation.

RESOLVED

1. That the report be reverted back to quarterly submittance to the General Purposes Committee.
2. That the report be presented to a future Committee meeting examining options around Employee Appeals processes, including exploring the re-introduction of the previous formal Employee Appeals Sub Committee
3. That the report be noted.

5.4 Constitution Update Report

Matthew Mannion, Head of Democratic Services Governance, introduced the committee to the updates for the new municipal year 22/23. The committee were asked to:

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- Note the General Purposes Committee's role as general overseer of the Council's Constitution.
- Confirm whether it wishes to undertake reviews of any sections of the document.
- Note the changes set out in Paragraph's 3.12 to 3.14 of the report.
- Agree the changes set out in Paragraph's 3.15 to 3.17 of the report

In response to the presentation, the Committee noted:

- Clarification on why sections 25 regarding investigatory powers and section 26 on the use of surveillance were included.
- Clarification on the amended paragraph 3.15 regarding accepting personal gifts.

Mr. Mannion said that the aforementioned sections were added as Members are required to have oversight in the Audit Committee, as per legislation. The paragraph change relates to discussing any gifts received with your line manager, which may not be possible after acceptance in some instances. The new change states that in these cases this does not need discussions in advance, not does it require recording in the Gifts and Hospitality register.

RESOLVED

1. That the report be noted, and the Constitution changes be agreed.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

None.

7. EXCLUSION OF THE PRESS AND PUBLIC

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

8. ANY OTHER EXEMPT / CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

The exempt appendices related to the school Governor appointments and the Forthcoming Restructures were noted.

The meeting ended at 8.19pm

Chair, Councillor Saif Uddin Khaled
General Purposes Committee



GENERAL PURPOSES COMMITTEE WORK PLAN and ACTION LIST 2022/23

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Agenda Item 3

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GENERAL PURPOSES COMMITTEE WORK PLAN 202/23

ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	To report back on the work that is being undertaken on the outside bodies where Members are representing the Council	Matthew Mannion	GPC 10/01//22	
2.	A summary review of all BAME Governors appointed within Tower Hamlets.	Farhad Ahmed	A summary review of all BAME Governors appointed within Tower Hamlets.	Farhad requested this item be moved to the GPC meeting scheduled for 13.10.22 – NOW 15.12.22
3.	Forthcoming Restructures	Musrat Zaman	To report on any forthcoming restructures	Musrat requested item was withdrawn from 21.06.22 GPC. Committee members requested it moved to GPC meeting scheduled for 13.10.22 – NOW 15.12.22
4.	Review on Polling Stations	Robert Curtis	To review the Tower Hamlets Polling Station process	Review on Polling Stations – NOW 15.12.22 due to referendum on 13.10.22

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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 202/23

21 JUNE 2022			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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. Forthcoming Restructures	To report on any forthcoming restructures	Musrat Zaman Director of Workforce, OD and Business Support	
4. 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	
5. 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 202/23

13 OCTOBER 2022			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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	

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GENERAL PURPOSES COMMITTEE WORK PLAN 202/23

15 DECEMBER 2022			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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. All BAME Governors Summary	A summary review of all BAME Governors appointed within Tower Hamlets.	Farhad Ahmed, Head of School Governance, Information and Traded Services	
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. Forthcoming Restructures	To review any forthcoming restructures	Musrat Zaman, Director of Workforce, OD and Business Support	
5. Constitution Update?	To review the Constitution?	Matthew Mannion, Head of Democratic Services	
6. Review on Polling Stations	To review the Tower Hamlets Polling Station process	Robert Curtis, Head of Electoral Services	

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GENERAL PURPOSES COMMITTEE WORK PLAN 202/23

23 FEBRUARY 2023			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of 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. Forthcoming Restructures	To review any forthcoming restructures	Musrat Zaman, Director of Workforce, OD and Business Support	
4.			
5.			
6.			
7.			
8.			

Non-Executive Report of the: General Purposes Committee October 2022	
Report of James Thomas, Corporate Director (Children's Services)	Classification: [Unrestricted or Exempt]
Local Authority Governor Application	

Originating Officer(s)	Farhad Ahmed
Wards affected	All wards

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 St Peter's CofE Primary School support the appointment of **Anthony McDonough** - Application is enclosed as **Appendix 1**.
- b) The Headteacher and Chair of Our Lady's Primary School support the appointment of **Sister Christine Frost** - Application is enclosed as **Appendix 2**.
- c) The Headteacher and Chair of Mayflower Primary School support the appointment of **John Owen** - Application is enclosed as **Appendix 3**
- d) The Headteacher and Chair of Bangabandhu Primary School support the appointment of **Kabir Miah** - Application is enclosed as **Appendix 4**
- e) The Headteacher and Chair of Hermitage Primary School support the appointment of **Richard Tyndall**- Application is enclosed as **Appendix 5**
- f) The Headteacher and Chair of Osmani Primary School support the appointment of **Shelagh Taylor** - Application is enclosed as **Appendix 6**
- g) The Headteacher and Chair of Stepney Greencoat Primary School support the appointment of **Victoria Watts** - Application is enclosed as **Appendix 7**
- h) The Headteacher and Chair of St Saviour's Primary School support the appointment of **Sian Acreman** - Application is enclosed as **Appendix 8**
- i) The Headteacher and Chair of Blue Gate Field Infat School support the appointment of **Dr Amjad Rahi** - Application is enclosed as **Appendix 9**

New Appointments

- j) The Headteacher and Chair of St Mary & St Michael Primary School support the appointment of **Ian Jones** - Application is enclosed as **Appendix 10**
- k) The Headteacher and Chair of MCubed Federation support the appointment of **Brian Brown** - Application is enclosed as **Appendix 11**

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 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.*

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:

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Non-Executive Report of the: General Purposes Committee 13 October 2022	 TOWER HAMLETS
Report of: Musrat Zaman, Director HR, OD and Business Support	Classification: Internal
Title: Recommendations on the Composition of Dismissal Appeals Panel	

Originating Officer(s)	Musrat Zaman, Director HR, OD and Business Support
Wards affected	N/A

1. EXECUTIVE SUMMARY

- 1.1 GPC previously considered reports on alternative models for an Employee Appeals Sub-Committee on 23 February 2021, 24 June 2021, and 5 October 2021.
- 1.2 Approval was given to discontinue the Employee Appeals Sub-Committee and to replace it with a Dismissal Appeals Panel chaired by a Corporate Director. This decision was reached on the 5 October 2021. A new Dismissal Appeals Process and Guidance was developed and is enclosed as Appendix 1.
- 1.3 At the GPC meeting on the 21 June 2022, Members asked for a further report to be presented setting out other options on the composition of Dismissal Appeals Panel. This paper sets out those options.

2. RECOMMENDATIONS

The General Purposes Committee is recommended to:

- 2.1 Continue with the current arrangements for a Dismissal Appeals Panel which was agreed by GPC on 5 October 2021 as it is too early to comment on the panel composition and its effectiveness.
- 2.2 To continue with the current arrangement as it still provides for an Elected Member to be a part of the panel.
- 2.3 Agree that the arrangements will be monitored through the regular HR updates brought to GPC.
- 2.4 This recommendation is in line with the legal advice.

3. **REASONS FOR THE DECISIONS**

- 3.1 Any changes to the Constitution, policies, and procedures would require a further period of consultation with the Trade Unions before being brought back to GPC/Full Council for agreement.
- 3.2 Management of staff is the responsibility of managers employed by the council. A key function of the role of a manager is to lead and manage groups of staff. On rare occasions this may lead to dealing with an issue that could lead to a dismissal. This gives the member of staff a right to appeal against the dismissal decision.
- 3.3 It is important to note that managers are familiar with the performance management framework and are trained to handle any issues. Where needed, they are guided by HR through all stages that may lead to dismissal. Furthermore, staff have a right of representation at all formal stages of the process and any concerns can be addressed during this period.
- 3.4 The number of appeals dealt with is low in the organisation demonstrating that to pursue this course of action requires a strong evidence base and for the employment relationship to have been breached fundamentally to warrant such action. A decision to dismiss is taken with due process having been exhausted. The number of dismissals, excluding redundancies is shown below.

Year	Number of Dismissals	Number of Appeals
2021/22	16	2
2020/21	4	1
2019/20	9	3
2018/19	14	6
2017/18	21	16

- 3.5 We must also be aware that the requirement in law is to ensure that all processes are conducted fairly and objectively. Investigations are conducted impartially; panel members are not aware of the issues before they hear a case and all panel members are appropriately trained. All records must be kept including notes of meetings. These will then be relied upon if any claim is made at an Employment Tribunal. Those that made the decision would be required to attend to give evidence in support of the employer's decision to dismiss. Since 2017, there have been 15 claims to the Employment Tribunal following an appeal against dismissal that was not upheld by the appeals panel (53%).
- 3.6 The decision to change the Dismissal Appeals process was confirmed at the GPC meeting on the 5 October 2021 following much discussion at previous GPC meetings. This item was debated, and it was agreed that officers should retain the decision to dismiss as the performance management framework and day to day management rests with the Head of Paid Services and officers of the council. Elected Members should not be drawn into staffing matters, their role is to set the outcomes and direction for the organisation. Elected Members would rarely deal with dismissal matters and any training could become outdated quite quickly. Elected Members would also be called upon at Employment Tribunals to present evidence and to give a full account of the reasons for their decision. It was felt by Elected Members that this responsibility better sat with officers as they are best

placed to deal with these matters and would be in a much better position to handle any Employment Tribunal claims that can become complex and protracted and involve a great deal of time. In the revised process, Elected Members retain their role in the overview and scrutiny of the decisions made by officers and have the opportunity to contribute to those decisions, whilst remaining independent of the employment matters.

3.7 Tower Hamlets is only one of 13 London Boroughs that has Elected Members involved in dismissal appeals (two others are considering revising their process) and 20 boroughs have removed members from the appeals process.

3.8 It is also important to note the legal advice stated below which recommends that officers make the final decision to dismiss and the reason for that.

4. **ALTERNATIVE OPTIONS**

4.1 All appeals are heard by a Dismissal Appeals Panel which is a sub-committee of the General Purposes Committee.

4.2 **Option 1** - All appeals are heard by a panel consisting of two Senior Managers and one Elected Member. This is the current arrangement

4.3 **Option 2** - Revert to the previous model which consisted of an all-Elected Member panel.

4.4 **Option 3** - Adopt an officer only appeal panel.

Option	Panel	Advantages	Disadvantages
1	2 Senior Managers, 1 Elected Member	Balance of officers and Elected Member. Senior Manager is the main decision maker and would be better trained in handling of the issue. Complies with the legal advice.	Can create a difference of views and interpretation of policy by having an Elected Member on the panel that may not fully understand or be familiar with the employment framework
2	3 Elected Members	Panel seen as completely impartial as they will have not been involved in any council employment matters or acted in any management capacity	Goes against the legal advice. May lack consistency Could weaken the employer's case if the matter proceeded to Employment Tribunal. Decision makers would need to articulate the rationale for the dismissal decision and explain a thorough understanding of policies and procedures

			<p>and their application of them in day-to-day practices</p> <p>Could place Elected Members in difficult position if they are not familiar with employment practices and then are asked to make a decision on whether to uphold a dismissal decision.</p> <p>Appeal timescales are usually exceeded as, historically, it has been difficult to coordinate diary time for 3 members to meet.</p>
3	3 Senior Managers	<p>Familiar with council policies and procedures, training and knowledge will be current.</p> <p>Ensures consistency</p> <p>Likely to approach a situation in an employment context</p>	No direct overview and scrutiny for members

5. DETAILS OF THE REPORT

5.1 The current Dismissal Appeals process and guidance is attached at Appendix 1.

6. EQUALITIES IMPLICATIONS

6.1 There are no equalities implications arising from this proposal. An equality analysis of any revisions to relevant policy and procedures will be carried out separately.

7. OTHER STATUTORY IMPLICATIONS

7.1 NONE

8. COMMENTS OF THE CHIEF FINANCE OFFICER

8.1 There are no direct significant financial implications arising from this report.

9. COMMENTS OF LEGAL SERVICES

9.1 There is no legal requirement for appeals to be heard by members, good practice requires that appeal hearings should be chaired by an officer of greater or equivalent

seniority to the chair of the original panel who made the decision to dismiss to limit the risk of a challenge for procedural unfairness in any potential legal claims which might be brought by the employee.

- 9.2 In order to properly defend any employment tribunal claims which may arise out of the appeal decision, the decision maker must be able to attend the Tribunal hearing and be able to explain any decision made and demonstrate a clear understanding of the Council's policies and procedures and how they have applied these while reaching their decision.

Linked Reports, Appendices and Background Documents

Linked Report

- * NONE

Appendices

- * **Appendix 1 – Dismissal Appeals Process and Guidance**

Human Resources and Organisational Development

Dismissal Appeals Process and Guidance



Implemented: 1 November 2021

Dismissal Appeals – Process and Guidance

1. Introduction and Principles

- 1.1 The Council's Disciplinary Policy, Attendance Management, Standards for Managing Employee Performance, Redeployment and Redundancy procedures provide an appeal in cases of dismissal.
- 1.2 An appeal hearing is to review the decision to dismiss; rather than hold a re-hearing of the case.
- 1.3 Appeals will be heard by a Dismissal Appeal Panel. The Panel will consider the grounds of appeal and decide if the decision to dismiss was fair and reasonable.
- 1.4 The composition of the Panel and the procedural arrangements are set out below.
- 1.5 Appeals against dismissal will normally be heard within 20 working days of the appeal being received.
- 1.6 The circulation of appeal documents and notice of the date of the appeal will be at least five working days' before the appeal hearing.

2. The Appeal Panel

- 2.1 The panel will consist of **2 Senior Managers** (1 Corporate Director and 1 Director or Head of Service) and **1 Elected Member**. The Member will be selected from any Member or Substitute of the General Purposes Committee.
- 2.2 An HR adviser and a legal adviser will also be in attendance.
- 2.3 Panel members and advisers will have had no previous involvement in the case.
- 2.4 A Corporate Director will Chair the appeal panel and is the final decision maker, after considering the views of other members of the panel. There should be majority agreement, i.e., at least one other panel member agrees with the decision of the Chair.
- 2.5 All panel members will receive training on the appeals process and relevant policies and procedures before taking part in any panel.

- 2.6 In the case of a dismissal appeal which gives rise to any issues relating to safeguarding of adults or children, panel members will receive specific training in safeguarding matters before taking part in any panel.

3. Grounds of Appeal

- 3.1 The specific grounds on which the decision to dismiss can be appealed are set out in each policy.

- 3.2 The Appeal Panel will consider the following:

THE PROCEDURE: Was the procedure followed correctly, or are there any procedural irregularities that may have prejudiced the decision.

THE FACTS: Was all the evidence considered when the decision was made, or is there new evidence that the panel should consider.

THE DECISION: Was the sanction appropriate and proportionate.

4. Procedure

4.1 People in attendance at the meeting

Panel members
HR Adviser
Legal Adviser
Clerk/Note taker
Appellant
Appellant's representative/companion
Manager who made the decision to dismiss
HR Adviser to the dismissing manager

4.2 Right to be accompanied

Appellants have the right to be accompanied at the meeting by either a trade union representative or work place colleague.

4.3 Witnesses and additional evidence

- 4.3.1 It is not usual for witnesses to appear in person at an appeal hearing, unless they have new, relevant information about the procedure or the facts, or unless new evidence is being presented. Often a written statement from a witness will be sufficient.

- 4.3.2 The Appeal Panel will consider the reasonableness of the decision to dismiss; it is not a rerun of the original hearing. It is not necessary to call witnesses from the original hearing as their evidence is included in the documents considered by the Appeal Panel.

- 4.3.3 Either side may present witness statements or call witnesses to the hearing where appropriate.

4.3.4 Additional evidence will only be considered where, had it been available or known to the disciplinary panel that made the decision to dismiss, it may have influenced or changed that decision. The Appeal Panel will consider the new evidence when deciding if the dismissal was fair and reasonable.

4.4 **Structure of the meeting**

The meeting will be conducted as follows:

1. **INTRODUCTION OF PARTIES AND PURPOSE OF THE MEETING**
2. **APPELLANT'S CASE** will be put first using supportive evidence, documentation and witnesses.
3. **PANEL MEMBERS HEARING THE APPEAL** will ask questions and clarify any points of the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE** may ask points of clarification of Appellant or witnesses.
5. **APPELLANT WITNESSES LEAVE THE MEETING**
6. **THE MANAGER** presents their case, explaining the reasons for the original decision and why this was considered appropriate.
7. **PANEL MEMBERS HEARING THE APPEAL** may ask questions of the manager and clarify any points raised.
8. **THE APPELLANT** (or representative) may ask points of clarification from the manager.
9. **APPELLANT'S CONCLUDING REMARKS** (if any).
10. **MANAGER'S CONCLUDING REMARKS** (if any).
11. **ADJOURNMENT:** The Panel will adjourn to consider presentations and documents and reach a decision. Given the complexity or nature of the case, the Panel may require further time before being able to reach a decision.
12. **OUTCOME:** If the Panel can reach a decision within a reasonable timescale, they will verbally issue the decision. The decision will be confirmed in writing within 10 working days. If the decision needs further consideration, the appellant will be informed that a decision will be provided in writing within 10 working days. If the matter will take longer to reach a decision the parties will be notified in writing. The Chair is responsible for agreeing the content and signing the outcome letter.

4.5 **Possible Outcomes:**

The Chair of the Appeal Panel will decide:


- To uphold the decision to dismiss
- To reinstate the staff member and substitute the sanction for an alternative that is short of dismissal (formal or final written warning)

This decision is the final stage of the Council's procedure and there is no further right of appeal.

4.6 **Reinstatement**

If a staff member is reinstated on appeal their continuous service is not broken and normal pay will be reinstated from the date of the dismissal.

November 2021

Cover Report to: GENERAL PURPOSES COMMITTEE 13 October 2022	
Report of: Musrat Zaman, Director of Workforce, OD and Business Support Services	Classification: Unrestricted
Quarterly report on Employee Relations casework and policy – Q1 April – June 2022	

Originating Officer(s)	Pat Chen, Head of HR
Wards affected	None

1. EXECUTIVE SUMMARY

- 1.1. The attached report is to update GPC on the level and management of employee relations casework and policy development within the Council, highlighting progress made.
- 1.2. Previously, reports were brought to GPC annually for information. At the GPC meeting on 21 June 2022, it was agreed that reports would be brought on a quarterly basis. This report is for the period April 2022 –June 2022 (Quarter 1).

2. RECOMMENDATIONS:

- 2.1. The General Purposes Committee is recommended to:
 1. Note the report.

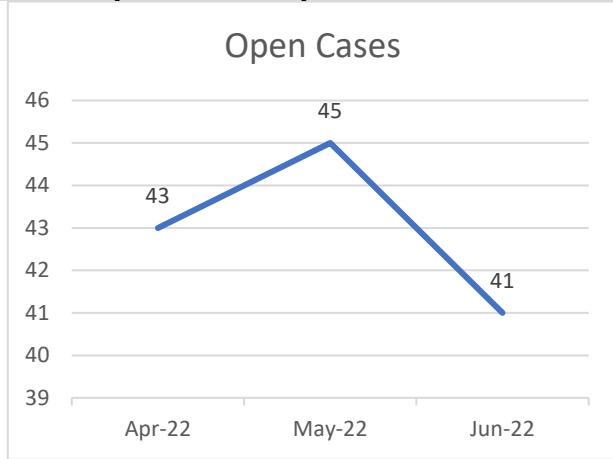
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Employee Relations Quarterly Report on Casework and Policies

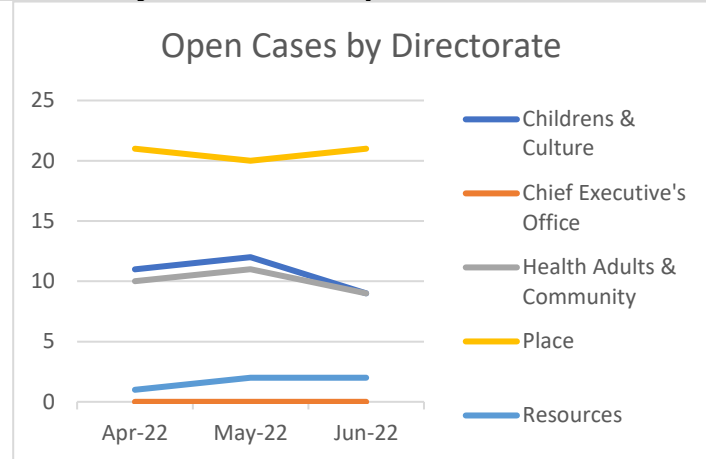
Q1 2022/23 (1 April 2022 to 30 June 2022)

ER Casework Dashboard

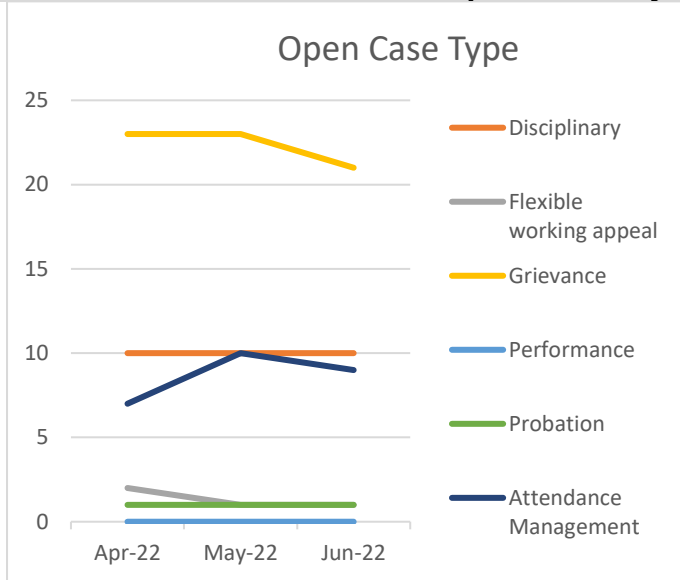
Total open cases Apr 22 - June 22:



Cases by Directorate Apr 22 - June 22:



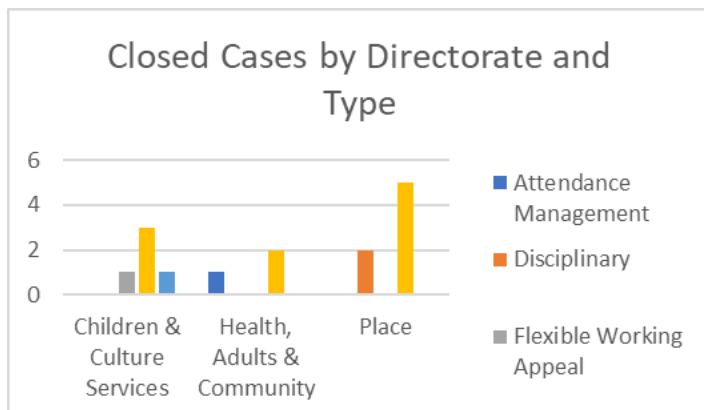
Open cases by Type Apr 22 - June 22



Case type as at 30 June 2022

Children & Culture Services	9
Attendance Management	5
Disciplinary	2
Flexible Working Appeal	1
Grievance	1
Health, Adults & Community	9
Attendance Management	3
Disciplinary	3
Grievance	3
Place	21
Disciplinary	5
Grievance	16
Resources	2
Attendance Management	1
Grievance	1
Grand Total	41

Cases (closed) by Type and Directorate April 22 – June 22:



Closed Case Type	Number of Cases
Attendance Management	1
Disciplinary	2
Flexible Working Appeal	1
Grievance	10
Probation	1
Grand Total	15


Summary of Quarter 1 Casework Data (1 April 2022 to 30 June 2022):

- Looking at cases by type, grievances are the highest, followed by disciplinaries. At 30 June 2022, of a total of 41 cases, 21 were grievances and 10 were disciplinaries.
- The highest number of cases reside in Place. Note that this includes the 7 staff members in Place who have lodged a collective grievance.
- 4 of the open cases involve suspension, which are under review.
- As of 30 June 2022, we had 28 long term cases (those that have been open for 90 days or more).
- Outcomes show that of the 10 closed grievances in the quarter, only one was partially upheld. For disciplinaries, 1 was partially upheld and the other was resolved informally
- During this quarter, 15 cases were closed. The average time taken to resolve these cases was 187 days. The time taken to close is heavily skewed by long term and complex cases. An added concern at present is the time it takes to get Investigating Officers willing to undertake investigations which can delay cases by weeks, with ER attempting to encourage staff to undertake these. The commitment for trained investigators to be supported to give time to undertake these is essential.
- In this quarter alone ER received 168 general enquiries through our in box. 101 of these were about health and wellbeing matters. This may indicate a need for more training. ER have now launched a short 25 minute e learning module for managers on handling attendance management which deals with core aspects of the policy and good practice. This is available to access through the Learning Hub.
- Equalities data shows little movement. It was previously reported and remains the case that the collective grievance in Place amongst a group of staff that are predominantly Bangladeshi shows as significant on our race data for grievances. Also, a high proportion of grievances feature disability (commonly stress and anxiety), which is an added reason for having introduced mediation as an alternative, informal and quick means to resolve disputes and working relationships .

Policy Development

- ER are currently working closely with Comms and the Trade Unions to better position all HR related policies on the Bridge, making them easier to find in one place. The most recent improvement being that the Bridge now undertakes a search on document name (rather than just web page title) which makes policy documents readily locatable.
- Recently we have gone live with a new Recruitment & Selection Policy and Managers Guide, a Menopause Policy, a Guide to Ill Health Retirement, the Parental Bereavement Leave Policy guide, and guide on Support for Parents with Premature or Sick Babies.
- A number of policies have been revised and are now live. A revised Secondment Policy strengthens the rules governing secondments, allowing secondments of up to 12 months, and only by exception can a secondment be extended for a further 6 months, for example, to complete a specific piece of work, which must be signed off at a senior level. Secondments cannot last longer than this period. There is now no right of appeal, with management decisions being final, which is in keeping with secondment policies elsewhere. A revised Probation Policy now cites the possibility of the early termination of employment during the probation period (rather than at only the end) for exceptional cases only. Additionally in the old scheme assessment was based on Tower Values alone. The Policy now also asks the manager to undertake a more rounded assessment of a probationer's performance, conduct, attendance and training (including the need to complete corporate mandatory training) and strengthens the commitment to undertake the reviews in the timeframes set. Finally minor changes have been made to the Gifts and Hospitality Policy which arose as a result of an Audit recommendation. It now advises on occasions where refusal of personal hospitality or a small token gift would clearly cause offence or distress if it was refused. Sign off for this is at a lower level and there is no need to record such matters in the Gifts & Hospitality register.
- ER are about to embark on a consultation process for redrafted guides on Death in Service, Organisational Change and Redeployment, and will be consulting on a new Smarter Working Policy.
- Above mention is made of the new e learning module for managers on Attendance Management. This is one of 3 new short e learning modules, the others being Managing Grievances and Disciplinaries, and Recruitment and Selection. Please note that panel members are required to undertake the Recruitment and Selection e module before they participate in a selection panel.

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Non-Executive Report of the: GP Committee 13 October 2022	
Report of: Musrat Zaman, Director of Workforce, OD and Business Support	Classification: Unrestricted
Localism Act 2011 and Special Severance Payments	

Originating Officer(s)	Pat Chen, Head of HR
Wards affected	All wards

1. EXECUTIVE SUMMARY

- 1.1 Section 38(1) of the Localism Act 2011 requires the full council to adopt and publish a pay policy statement for each financial year. Section 40(1) of the Act says that a relevant authority in England must, in performing its functions under section 38 or 39, have regard to any guidance issued or approved by the Secretary of State.
- 1.2 The guidance issued by the Secretary of State states that salaries on appointment and severance packages of more than £100,000 should be approved by full council. Currently, the approval for severance packages in excess of £100,000 is delegated to General Purposes Committee.
- 1.3 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. 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.
- 1.4 The new guidance is statutory and must be followed. It will require changes to the approval process for Special Severance Payments and will require a change to the Council's adopted Pay Policy.

Recommendations:

The General Purposes Committee is recommended to:

- a) Note the revised process for Special Severance Payments.
- b) Consider the revised 2022/23 pay policy statement and recommend the policy for adoption by full council on 16 November 2022.
- c) Delegate to the Chief Executive, in consultation with the Director of Workforce, OD and Business Support, Chair of the GP Committee and Monitoring Officer, any further minor changes to the 2022/23 pay policy statement.

2. REASONS FOR THE DECISIONS

- 2.1 The Localism Act 2011 received Royal Assent on 15 November 2011. Additionally, the 'Code of Recommended Practice for Local Authorities on Data Transparency' was published in September 2011, under Section 2 of the Local Government, Planning and Land Act 1980. The Code sets out key principles for local authorities in creating greater transparency through the publication of data. Supplementary guidance, 'Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act', was published on 20 February 2013. Further guidance on the making and disclosure of Special Severance Payments was published on 12 May 2022.
- 2.2 The Act's intention is to bring together the strands of increasing accountability, transparency and fairness, with regards to pay.
- 2.3 The provisions of the legislation require local authorities to adopt and publish a pay policy statement. Statements must be approved by full council and have regard to the guidance published by the Secretary of State. Authorities will be constrained by their policy statement, although the statement may be amended at any time by further resolution of full council.

3. ALTERNATIVE OPTIONS

- 3.1 As the publication of a pay policy statement and the nature of its content is a legislative requirement, there are no alternative options.

4. DETAILS OF THE REPORT

- 4.1. The Localism Act guidance (paragraphs 11-15) provides that authorities should offer full council the opportunity to vote on **severance packages** beyond the threshold of £100,000. This applies to the whole severance package and each component, including salary paid in lieu, redundancy

compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid should be set out clearly. This guidance continues to apply and is not affected by the new Special Severance Pay guidance. There is a distinction between a severance package and a Special Severance Payment. A process for each type of payment is required to be set out.

- 4.2. The table below sets out the authorisation process for Special Severance Payments as laid out in the new regulations.

Amount	Authorisation
Less than £20,000	Authorisation is according to the scheme of delegation
£20,000 to £100,000	Head of Paid Service with a clear record of the Mayor's approval and that of any other who has signed off the payment
£100,000 and above	Full Council

- 4.3. 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 Mayor's approval. We will also require the S.151 Officer and the Monitoring Officer to record their approval of the payment.

- 4.4. Payments below £20,000 must be approved according to the scheme of delegation as set out in the council constitution at Part D.

- 4.5. The following types of payments are likely to constitute an SSP:

- 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

- 4.6. In addition, the following types of payment may be covered:

- 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)

- 4.7. Payments which are **not** covered include:

- 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

4.8. Currently, the approval for severance packages in excess of £100,000 is delegated to General Purposes Committee. **This process will change so these are approved by a vote of full council before staff leave the organisation.**

4.9. The pay policy statement will be amended at section 12.2 to reflect the new guidance (set out in Appendix 1), and internal processes will be revised to ensure proper recording of approval and monitoring of severance payments between £20,000 and £100,000 is in place.

4.10. The pay policy statement will be amended at section 12.4.1 to remove the discretion to re-employ staff within a two-year period who have left the organisation by reason of redundancy or early retirement and received a redundancy/severance payment.

4.11. Should any further minor changes to the 2022/23 pay policy statement be required, these amendments could be made by the Chief Executive, after consultation with the Director of Workforce, OD and Business Support, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the GP Committee for consideration.

5. EQUALITIES IMPLICATIONS

5.1 The revised policies and practice will be recorded and monitored to assess any equalities impact.

6. OTHER STATUTORY IMPLICATIONS

6.1 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.

6.2 This report sets out the council's revised pay policy for 2022/23, which is required by law.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

7.1 There are no direct financial implications arising from this report.

7.2 The costs of meeting the Council's Pay Policy will need to be contained within existing staffing budgets agreed through the Annual Budget and MTFS process. The annual Employees budget for General Fund areas is circa £219m.

8. COMMENTS OF LEGAL SERVICES

8.1 The main legal considerations regarding the Localism Act 2011 and the requirements of the statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England published on 12 May 2022 are set out in the body of the report.

8.2 Whilst there may be no approval requirements required for those elements of any severance package which do not constitute a special severance payment (as set out in 4.7 above), if any element of the severance payment falls within the definition of an SSP (as set out in 4.5 and 4.6 above) then regard must be had to the value of the entire payment when considering what authorisation is required.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Draft Pay Policy Statement 2022/23

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.

Localism Act 2011

DCLG - Openness and Accountability in Local Pay: guidance under section 40 of the Localism Act

DCLG - ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’ Supplementary Guidance

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

Communities and Local Government - The Code of Recommended Practice for Local Authorities on Data Transparency

Officer contact details for documents:

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London Borough of Tower Hamlets

Pay Policy statement 2022/2023

Document History	Version 2
Date Implemented	1 April 2022
Date Amended	16 November 2022



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1. Introduction

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account the 'Use of severance agreements and 'off payroll' arrangements Guidance for local authorities" published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2021/2022 pay policy statement.

2. Definitions

- 2.1. 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
- **Head of the Paid Service**, which is the post of Chief Executive
 - **Statutory Chief Officers**, which are:-
 - Corporate Director, Children and Culture
 - Corporate Director, Health, Adults and Community who is the Council's designated Director of Adults Social Services (and Deputy Chief Executive)
 - Corporate Director, Resources who is the Council's Chief Finance Officer under section 151 Local Government and Housing Act 1989 (the Director of Finance is the Deputy section 151 officer)
 - Director of Legal who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
 - Director of Public Health
 - **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-
 - The Corporate Director, Place
 - Directors that report to a Chief Officer.
- 2.2 The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 1 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 6 below).

3. Pay and grading structure

- 3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.
- 3.2 The rest of the workforce are employed on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.
- 3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.
- 3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.
- 3.5 For staff on NJC terms and conditions, the Council uses the national pay spine to determine its pay scale, which is now made up of lettered grades.
- 3.6 All roles are evaluated as follows i) Up to Grade O under the Greater London Provincial Council (GLPC) job evaluation scheme; ii) Grade P under a local variation to the GLPC job evaluation scheme; and iii) Above Grade P under the Joint Negotiating Committee for Chief Officers job evaluation scheme.
- 3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme and replaced spot points with narrow grade bands. This has been implemented by the Council. One of the key aims of the agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.
- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience. There may be exceptional circumstances where an individual may be appointed higher (e.g. to match a current salary) which would require the relevant evidence and appropriate approval.

4. Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer remuneration

- 4.1 Pay for the Head of Paid Service; Corporate Director, Children and Culture; Corporate Director, Health, Adults and Community; Corporate Director, Resources; and Corporate Director, Place is made up of 3 elements:
- Basic pay (defined by a locally agreed grade)
 - London weighting allowance
 - Travel allowance payment
- 4.2 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections.
- 4.3 Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).
- 4.4 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [here](#).

5. Salary packages

- 5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.
- 5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to General Purposes Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

6. Lowest paid employees (excluding Schools based staff)

- 6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point, which is above the level of London Living Wage.
- 6.2 The Council's lowest paid non-London based employees are those who are paid on the lowest scale point, which is above the level of National Living Wage.
- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 01 April 2022 and as the London Living Wage rises in future years, the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

7. National pay bargaining

- 7.1 Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.
- 7.2 The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.
- 7.3 National pay rates are set using a number of factors, including:
- The sector's ability to pay
 - Movement in market rates
 - Inflation levels
 - Other pay awards
 - The Government's policy position regarding public sector pay

8. Starting salaries and salary progression

- 8.1 Starting salaries for staff shall be based on the lowest spinal column point of the grade, unless the individual is already earning more than this, in which case we will match their salary where this is available to match. Staff will only be placed on a higher spinal column point in exceptional circumstances. Directors can authorise appointment to one spinal column point higher. Appointment to a spinal column point above this is subject to evidence and a business case agreed before an offer is made to a candidate and in line with budget affordability. This must be pre-agreed by the relevant Head of HR/Senior HR Business Partner, on behalf of the Director of Workforce, OD and Business Support, ahead of offers being made. The exception to this provides the Chief Executive authority to agree and set pay for Corporate Directors and Directors in conjunction with the Director of Workforce, OD and Business Support.
- 8.2 There should be no increase in spinal points for staff directly matched to a post as part of internal restructuring. If staff are directly matched at the same grade, they should be on the same salary point. If staff are directly matched at a higher grade, it should be at the bottom spinal point of the new grade. If there is a cross over in spinal point between the old and new grade the individual stays at the same spinal point in the new grade.
- 8.3 For staff below Chief Officer level, incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

9. Additional payments and allowances

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.
- 9.2 Staff undertaking additional duties to a more senior grade will receive payment as appropriate using clear criteria, and where a clear business need is identified.
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, and subject to tight eligibility criteria, for which appropriate approval must be obtained prior to any offer of employment.
- 9.4 The Council's Director of Workforce, OD and Business Support also has authority to agree the payment of market supplements and other payments for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met. (Details are set out in the Council's Market Supplement Policy and Recruitment and Retention Policy).
- 9.5 The Council does not currently operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved by the Head of Paid Service or a Corporate Director in consultation with the Monitoring Officer and Section 151 Officer and input from the Director of Workforce, OD and Business Support.

10. Pensions

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.
- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

11. Non-permanent workforce resources

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and

interims, procured through approved third-party providers or the Council's agency contract.

- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one-person limited companies in all but the rarest of exceptions. Where such arrangements are used, the Council seeks to limit them to a maximum duration of 24 months.
- 11.3 Where it is necessary to engage a worker, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator.

12. Compensation for loss of office

12.1 *Financial terms for redundancy*

The Council has guidance linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension. The Handling Organisational Change policy does not apply to Chief Officers.

12.2 *Redundancy/special severance payments*

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance and pension/pension lump sum payments) will be subject to a vote of full council for approval.

Severance packages of £20,000 or more, but below £100,000 will be personally approved by the Head of Paid Service, with a clear record of the Mayor's approval. The S.151 Officer and the Monitoring Officer will also record their approval of the payment.

12.3 *Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

12.4 *Re-employment or re-engagement following redundancy/early retirement/receipt of compensation for loss of office*

Any member of staff who has left the Council by reason of redundancy or early retirement and received a redundancy/severance payment is required to have a gap before reemployment. The gap should be at least 2 years after the date of termination for all staff who left due to compulsory redundancy or

voluntary redundancy before they can return, either as a directly employed member of staff, an agency worker or a consultant. This does not prevent them from working in Tower Hamlets Schools during this period.

12.4.1 If the Repayment of Public Sector Exit Payments Regulations 2016 come into force, any employee or office holder who earns above the threshold set out in the Regulations, will be required to repay in full or part, to the employer who made the payment, any exit payment they receive should they return to any part of the public sector (see the Regulations for a full list), either on or off payroll, within 12 months. This is in addition to the requirements already set out in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

12.4.2 If the Public Sector Exit Payment Regulations 2016 come into force, they will introduce a £95k cap on the total value of exit payments. This cap will include all forms of exit payment available to employees on leaving employment, for example cash lump sums, such as redundancy payments, the cost to the employer of funding early access to unreduced pensions ('pension strain'), severance payments, ex gratia payments and other non-financial benefits, such as additional paid leave. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

13. Pay multiples / comparisons

13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.

13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-point between the highest and lowest) salary position of the non-schools workforce is 1:5.57.

13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:11.43.

13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:

- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
- Addressing its commitment to matching the London Living Wage for our lowest paid staff and encouraging the developmental progression for staff in the lowest graded roles.

14. Equality issues

- 14.1 The policy elements described in this report derive from national terms and conditions and bargaining, or local discretion. The Council has a keen regard for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

15. Review

- 15.1 The Pay Policy Statement is reviewed annually and submitted to General Purposes Committee for noting and Council for approval. In the interests of improving accountability and transparency, all appointments made to posts attracting remuneration of £100,000 or more per annum and all severance packages of £100,000 or more during the previous financial year shall be highlighted to Full Council.
- 15.2 Should changes to the Pay Policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before adoption by Full Council.

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>13 October 2022</p>	
<p>Report of: Director of Director of Workforce, OD & Business Support</p>	<p>Classification: Unrestricted</p>
<p>Update on Senior Recruitment – 13th October 2022</p>	

Originating Officer(s)	Catriona Hunt, Head of HR
Wards affected	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.

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 a verbal update in June 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

Detail of the progress on the recruitment to senior roles is set out in the tables below. This also includes the interim arrangements.

2.3 Posts recruited to since the last report

Director Commissioning & Culture. Children and Culture Directorate	Matthew Eady has been appointed. The start date is 31 October 2022.
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2.4 Posts being currently being recruited to, or within the next 3 months

Job title and directorate	Current arrangements	Comments
Director Integrated Growth and Development Place Directorate	Interim acting up arrangements to continue for an additional six months, pending a review of the structure.	Recruitment 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.

Linked Reports, Appendices and Background Documents

Linked Report

- none

Appendices

Officer contact details for documents:

- Catriona Hunt 0207 364 4522

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