

46 Corporate Operating Procedures

1. The Operating Procedures apply to the operation and management of all Council directorates. The procedures authorise relevant officers to exercise delegated functions of the Council as set out in these procedures and the Constitution.
2. The procedures enable the Chief Executive and Managers to carry out the functions of the Council as set out in this document. The procedures repeal and replace all previous schemes of delegation and apply in addition to the Council's Corporate Scheme of Delegation and individual Directorate Schemes of Delegation.
3. All powers in these procedures may also be exercised by the Chief Executive, by the Deputy Chief Executive when the Chief Executive is unavailable for any reason, or any other officer designated by the Council as Acting/Interim Chief Executive on a temporary basis.
4. In relation to all delegated authority given to officers by these procedures, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as they think fit.
5. Where there is doubt over the responsibility for the exercise of a delegated power under these procedures, the Chief Executive and the Monitoring Officer or any person nominated/appointed to act on their behalf, is allowed to act.
6. All further delegations conferred under these procedures must be recorded in writing. Any decision taken under such authority shall remain the officer's responsibility, and must be taken in their name.
7. In exercising their delegated powers under these procedures the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient effective and economic means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
8. For the avoidance of doubt anything which is not covered by these procedures or the Council's constitution, including the appointment of a proper officer for the purpose of any statutory function, will (subject to any statutory prohibition) be determined by the Chief Executive in consultation with the Monitoring Officer.

Operating Procedures – General Principles

1. For the purposes of these procedures, a service manager is defined as a manager reporting to a Corporate Director who is not designated as a Director or a manager reporting to a Director, whilst a line manager is defined as a postholder who has line management responsibility for at least one employee.
2. All procedures referred to in this section are available to all staff on the Council's intranet. Different levels of authorisation may apply to some procedures and if so the levels of authorisation are specified within the procedure.
3. The table below explains who has the authority to make the type of decision.

Decision	CE	D	S M	L M	Notes
Type of Decision	√				The Chief Executive or Corporate Director only has the authority to make the decision. A Director, Service Manager or Line manager does not have the authority to make the decision.
Type of Decision	√	√			A Director has the authority to make the decision. It does not mean that the Chief Executive/ Corporate Director has to approve the decision made by the Director unless other applicable Council procedures require this. A Service Manager or Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√		A Service Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate Director and/or Director have to approve the decision made by the Service Manager unless other applicable Council procedures require this. A Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√	√	A Line Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate

					Director and/or Director and/or Service Manager have to approve the decision made by the Line Manager unless other applicable Council procedures require this.
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Corporate Operating Procedures

1. Establishment

	Decision	CE	D	SM	LM	Notes
1.1	Establishment Control: Creating posts	√	√			New posts must be funded within the Director's approved budget and authorised in accordance with the Establishment Control Procedure. See also relevant People: <u>Establishment Control Procedure Handling Organisational Change Procedure</u>
1.2	Making all other changes to the establishment	√	√	√	√	All changes must be authorised in accordance with the Establishment Control Procedure and other people procedures where appropriate. Different levels of authorisation may apply and these are clearly defined in every procedure. See also relevant HR Procedures: <u>Handling Organisational Change Procedure</u> JE Evaluation Procedure

2. Appointments

	Decision	CE	D	SM	LM	Notes
2.1	Taking a decision to advertise and recruit to a vacant post	√	√			All decisions in relation to recruitment and appointments must comply with the recruitment processes and people procedures referred to below. Each procedure states the applicable authorisation levels. See also relevant People: <u>Recruitment and Selection Standards</u> Establishment Control Procedures

	Decision	CE	D	SM	LM	Notes
2.2	Making decisions in relation to recruitment activities (including interview panels; offers and terms of appointments; pre – employment checks; probation)	√	√	√	√	<p>All decisions in relation to recruitment and appointments must comply with the people recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels.</p> <p>See also relevant People Procedures: <u>Recruitment and Selection standards</u> <u>DBS Procedure</u> <u>DBS Risk Assessment Procedure</u> <u>Reference Procedure</u> <u>Probation Procedure</u></p>
2.3	Determine the outcome of a DBS Risk Assessment	√	√			<p>The outcome may be to withdraw an offer of employment, continue employment or terminate employment in line with the following Procedures.</p> <p>See also relevant people Procedures: <u>Recruitment and Selection standards</u> <u>DBS Procedure</u> <u>DBS Risk Assessment Procedure</u></p>
2.4	Probation – Termination of contract following unsuccessful probation	√	√			<p>Decision must comply with the following people procedures and advice sought from HR services where appropriate.</p> <p>See also relevant People Procedures: <u>Probation Procedure</u> <u>Standards for Managing Employee Performance</u></p>
2.5	Procuring/engaging agency workers and contractors	√	√			<p>Decisions must be taken in line with the Temporary Worker Guidelines</p> <p>See also relevant People Procedure: <u>Temporary Worker Guidelines</u></p>

3. Remuneration

	Decision	CE	D	SM	LM	Notes
3.1	Appointment onto pay scales	√	√	√		<p>All new starters are appointed at bottom of scale, by exception directors can authorise appointment to one <u>scale-spinal column point</u> higher. All other requests are approved by <u>Heads of HR/Senior HR Business Partners on behalf of the Director of Workforce, OD and Business Services</u></p> <p>See also relevant People Procedure: Recruitment Procedure</p>
3.2	Authorising acting up and honoraria payments	√	√			<p>Decisions must be taken in line with the Acting up and Honoraria Procedure.</p> <p>See also relevant People Procedure: <u>Acting up and Honoraria Procedure</u></p>
3.3	Authorising additional payments/allowances/expenses	√	√	√	√	<p>Decisions must be taken in line with Terms and Conditions of Employment and People Procedures.</p> <p>See also relevant People Procedures: <u>Subsistence and expenses</u> <u>Work Related Travel Expenses</u> <u>Schemes Guidance</u></p>
3.4	Authorising market supplement payment	√	√			<p>Decisions must comply with the Market Supplement Procedure and are approved by the Director of Workforce and Business Support Services and Corporate Director.</p> <p>See also relevant People Procedure: Market Supplement Procedure</p>

4. Discipline, capability, sickness absence and grievance

	Decision	CE	D	SM	LM	Notes
4.1	Suspending a member of staff	√	√	√		In exceptional circumstances a service manager may suspend an employee. All suspensions must be regularly reviewed by the commissioning manager. See also relevant People Procedure: <u>Disciplinary Procedure</u>
4.2	Instructing a member of staff to leave the premises	√	√	√		With advice from HR services. See also relevant People Procedure: <u>Disciplinary Procedure</u>
4.3	Instructing a member of staff to leave premises outside normal working hours	√	√	√	√	In exceptional circumstances and where this has to happen outside normal hours it may be undertaken by the line manager in conjunction with HR services. See also relevant People Procedure: <u>Disciplinary Procedure</u>
4.4	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes including dismissal	√	√	√		Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. See also relevant People Procedure: <u>Disciplinary Procedure</u>
4.5	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. Different level of authorisations may apply depending on seriousness of allegations. See also relevant People Procedure: <u>Disciplinary Procedure</u>

	Decision	CE	D	SM	LM	Notes
4.6	Performance/ Capability – initiating proceedings/confir ming action taken and outcomes including dismissal	√	√	√		See also relevant People Procedures: Standards for Managing Performance and Probation <u>Probation Procedure</u> <u>Standards for Managing Employee Performance</u>
4.7	Performance/ Capability – initiating proceedings/confir ming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Performance Management procedures and HR advice sought where appropriate. See also relevant People Procedures: <u>Probation Procedure</u> <u>Standards for Managing Employee Performance</u>
4.8	Sickness Management Procedure – initiating proceedings/confir ming action taken and outcomes including dismissal	√	√	√		Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedure: <u>Sickness Management Procedure</u>
4.9	Sickness Management Procedure – initiating proceedings/confir ming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedure: <u>Sickness Management Procedure</u>
4.10	Grievance and Harassment Procedures – initiating proceedings/confir ming action taken and outcomes	√	√	√	√	Decisions must be comply with relevant People Procedures and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedures: <u>Combatting Harassment & Discrimination Procedure</u> <u>Grievance Resolution Procedure</u>

5. Attendance

	Decision	CE	D	SM	LM	Notes
5.1	Dealing with requests for changes to contractual hours / flexible working	√	√	√	√	<p>Decisions must comply with Flexible Working and other relevant People procedures. Different levels of authorisation may apply and these are clearly defined in the procedure.</p> <p>See also relevant People Procedure: <u>Flexible Working Policy</u></p>
5.2	Agreeing hours of working	√	√	√	√	<p>Different levels of authorisation may apply and these are clearly defined in the procedures</p> <p>See also relevant People Procedures: <u>Flexible Working Policy</u> <u>Flexi Time Scheme</u></p>
5.3	Approving leave (including annual, special, flexi, paid, unpaid)	√	√	√	√	<p>Decisions must comply with relevant People Leave procedures. Different levels of authorisation may apply and these are clearly defined in the procedures.</p> <p>See also relevant People Procedures: <u>Annual Leave and Special Leave Procedure</u> <u>Career Break Scheme</u> <u>Extended Leave Scheme</u> <u>Flexi Time Scheme</u> <u>Guide to Adoption Leave</u> <u>Guide to Maternity Entitlements</u> <u>Parental Leave Scheme</u> <u>Shared Parental Leave Policy</u> <u>Staggered Hours Scheme</u> <u>Term Time Only</u></p>

6. Leavers

	Decision	CE	D	SM	LM	Notes
6.1	Confirming resignations	√	√	√	√	To be confirmed in line with the Guidance for Leavers. See also relevant People Procedure: <u>Guidance for Leavers</u>
6.2	Agreeing terms on which staff leave the Council e.g. outstanding leave, notice periods	√	√	√	√	Decisions must comply with Terms and Conditions of Employment and relevant People Procedures. Note: Where appropriate Director of Workforce and Business Services will authorise payment of statutory/contractual entitlements. See also relevant People Procedures: <u>Annual Leave and Special Leave Procedure</u> And see <u>Employee's Terms and Conditions of Employment</u>
6.3	Providing references	√	√	√	√	References must be provided in line with relevant recruitment procedures and processes and HR advice sought where appropriate. Relevant People Procedure: <u>Reference Procedure</u>
6.4	Designating a member of staff as a redeployee	√	√			Decisions must comply with relevant HR organisational change processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant People Procedure: <u>Handling Organisational Change Procedure</u>
6.5	Agreeing redundancy	√	√	√		Decisions must comply with relevant People Organisational Change and sickness management processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant People Procedures: <u>Handling Organisational Change Procedure</u> <u>Sickness Management Procedure</u>

	Decision	CE	D	SM	LM	Notes
6.6	Agreeing early retirement	√	√			Decisions must comply with relevant People Organisational Change processes. See also relevant People Procedures: Flexible Retirement Policy

Other Matters

A. Managing budgets

	Decision	CE	D	S M	LM	Constraint	Notes
A.1	Incurring revenue expenditure within approved budget limits	√	√	√	√		May be delegated further to designated line managers with budget responsibility See also relevant Procedure: FM1 Financial Management Standards
A.2	Incurring Capital expenditure only within terms of agreed capital programme	Which level?				Complying with Financial regulations	See also relevant Procedure: FP2 Capital Strategy
A.3	Authorising virements within approved service budget	√	√	√		Provided no additional overall budget liability	May be delegated further to designated budget managers within agreed limits See also relevant Procedure: FM2 Virement
A.4	Authorising virements between approved service budgets up to £1M	√				Except i) Capital Financing ii) support services/Internal charges iii) Rates iv) Insurance v) pensions which require	Corporate Director – Resources /Chief Finance Officer to be advised of virements over £100,000 Other requirements may

						specific approval of Corporate Director Resources / Chief Finance Officer	also apply, for full thresholds see table D2 in Part C, Section 36 Financial Procedure Rules.
A.5	All virements	√	√	√		Consider whether “key decision” required.	See also: Constitution Key decisions

B. Payroll

	Decision	CE	D	SM	LM	Constraint	Notes
B.1	Authorising payroll submissions	√	√	√	√	Only if within existing budget/establishment	Including authority to include a new employee on the payroll See also relevant procedure: CR9 Staffing FA4 Payments to employees and Members
B.2	Authorising payroll corrections	√	√	√			See also relevant Procedure: CR3 Internal Control

C. Income

	Decision	CE	D	SM	LM	Constraint	Notes
C.1	Determining whether income is due	√	√	√	√		See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.2	Collecting all income due	√	√	√	√	And banking promptly	May be delegated further.

							See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.3	Determining local fee rates	√				Annually [Except where the fee is required to be set by either Council or the Executive]	As part of budget setting. See also relevant Procedure: FM5 Budgetary Control
C.4	Initiating debt recovery action	√	√	√	√		See also Relevant Procedure: FM5 Budgetary Control FA2 income
C.5	Cancelling and reversal of debts including where debt raised in error	√	√	√		If raised in error and within approved limits	Only with a documented audit trail. See also relevant Procedure: CR3 Internal Control FA2 Income
C.6	Writing off debts	√	√	√			See also relevant Procedure: CR3 Internal Control FA2 Income
C.7	Making claims for grant payments	√	√	√	√	By due date with claims properly evidenced and payment banked promptly.	See also relevant Procedure: CR3 Internal Control FA2 Income

D. Purchasing and Procurement

	Decision	CE	D	S M	LM	Constraint	Notes
D.1	Contracts and procurement Corporate Director retains ultimate responsibility for all contracting procedures	√				Compliance with Contracts and procurement procedure rules	See also relevant Procedure: FA3 Ordering and Paying for work goods and services Contract Procedure Rule 8
D.2	Seeking tenders and quotations	√	√	√		Within approved limits according to management level and Executive approval required if over £1M (goods and services) and £5,000,000 (works)	See also relevant Procedures: Using e procurement system unless waiver granted. Contract Procedure Rule 6 Financial thresholds Rule 2 E Procurement Rules and EU procedures
D.3	Waiving competition requirements for contracts and orders (RCDAs, novations etc) I think we need to add that this is under review?	√				Up to EU threshold and in accordance with procurement procedures	Liaising with Corporate Director, Resources / Chief Finance Officer and reporting to Executive if over £100,000. See also relevant Procedures: Procurement Rule 6 and Financial thresholds
D.4	Awarding contracts following the appropriate	√	√	√		Within approved limits	See also relevant Procedures:

	procurement Procedure						Executive approval required if contract for services over £1,000,000 and capital works over £5,000,000. Procurement Rule 6 contract award
D.5	Placing orders	√	√	√			
D.6	Authorising variations / extensions to contracts	√	√	√		If provided for within original contract	After taking legal and procurement advice and, over specified financial levels approval of the Executive required. See also relevant Procedure: Procurement Rule 7 Extensions and variations
D.7	Authorisation of the execution of non procured contracts including contracts derived from framework agreements	√	√	√		Services between £0 and £1,000,000, works below £5,000,000	See also relevant Procedures: Procurement Rule 6 Financial thresholds Procurement rule 10 Waiving procurement procedures
D.8	Signing Contracts	√	√			Above £1,000,000 (services) and £5,000,000 (works)	Only after decision by the Executive and specific delegation.

							See also relevant Procedure: Procurement Procedure Rule 48 limits
D.9	Terminating contracts	√	√	√			Subject to advice from the Director of Legal or their nominee
D.10	To advertise concession opportunities	√	√	√			Executive approval required if over £1,000,000 goods and services Award to be noted if value greater than £100,000. See also relevant Procedures: Financial procedure EA 1 External arrangements Contract Procedure Rule 8
D.11	To award contract for concession	√	√	√			Executive approval required if over £1,000,000 goods and services Noting Executive procedure if value greater than £100,000. See also relevant Procedure: Contract Procedure Rule 6

D.1 2	Varying terms of concession	√	√	√		If provided for within original contracts	After taking legal and procurement advice, and with Executive approval if over £1,000,000. See also relevant Procedure: Procurement Rules 7
D.1 3	Terminating the award of a concession	√	√	√			Subject to advice from the Director of Legal or their nominee
D.1 4	Where Tower Hamlets Homes entering into contract it has negotiated on its own behalf	N/A	N/A	N/A	N/A	Follow THH governance and procedures	
D.1 5	If contract between London Borough of Tower Hamlets and supplier/provider and procured by Tower Hamlets Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.1 6	Where London Borough of Tower Hamlets making grant to Tower Hamlet Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.1 7	Contracts generally Authorising invoices	√	√	√	√		May be delegated further to designated budget managers within agreed limits. See also Relevant Procedures:

							Financial Procedure FA 3 Ordering and Paying for goods and services
D.1 8	Maintaining an inventory of assets	√	√	√	√		See also relevant Procedure: CR8 Inventories
D.1 9	Disposal of Equipment/furniture and other obsolete assets	√	√	√	√	After consultation with the Chief Finance Officer	See also relevant Procedure: In compliance with Financial CR10 Disposal of property and obsolete assets

E. Authorisations

	Decision	CE	D	SM	LM	Constraint	Notes
E.1	Signing off reports to Executive and committee	√	√			With input from legal and resources	See also relevant Procedure: In compliance with FM9 Comments for reports
E.2	Signing off Government and other returns	√	√	√			See also relevant Procedure: FA8 Grants
E.3	Signing off bids and applications for funding	√				With Cabinet approval/"key decision" if necessary	See also relevant Procedure: FA8 Grants
E.4	Approving service and business plans	√	√				See also relevant Procedure: FM5 Budgetary Control

F. Complaints

	Decision	CE	D	SM	LM	Constraint	Notes
F.1	To receive, investigate and respond to complaints at Stage 1 of the Corporate Complaints Procedure			√		With oversight from Director	See also relevant Procedure: Corporate Complaints Procedure
F.2	To receive, investigate and respond complaints at Stage 2 of the Corporate Complaints Procedure	√	√	√		With advice from Corporate Director on terms of response where appropriate	See also relevant Procedure: Corporate Complaints Procedure
F.3	To agree Local Settlement with the Local Government Ombudsman	√	√			Within compensation limits	See also relevant Procedure: Corporate Complaints Procedure
F.4	Authorising compensation	√	√	√		Subject to financial limits - Director up to £25,000 and Service Manager up to £3,000	See also relevant Procedure: Corporate Complaints Procedure
F.5	Authorising Compensation for contravention of the GDPR and other data protection legislation in accordance with sections 168 and 169 of the Data Protection Act 2018	√	√	√		Subject to financial limits – Director up to £25,000 and Service Manager up to £3,000	

G. Engaging Specialists

	Decision	CE	D	SM	LM	Constraint	Notes
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G.1	Engaging legal advice and entering into legal actions	√	√			After consultation with the Director of Legal or their nominee.	
G.2	Engaging consultants to provide other specialist advice	√	√				

H. Legal Matters

	Decision	CE	D	SM	LM	Constraint	Notes
H.1	To authorise the issue of a Simple Caution where criminal offences are admitted by adult offenders having regard to the Council's Enforcement Policy and all other relevant Policies and Guidelines	√	√	√		After consultation with the Director of Legal or their nominee if necessary	See also relevant Procedure: Constitution Chapter 15
H.2	To take the action necessary to comply with any Court Order made against the Council (including an Order agreed by consent)	√	√	√			See also relevant Procedure: Constitution Chapter 15
H.3	Manage all information (including Confidential information)	√	√	√		in accordance with the Council's Information Management and Retention Policies	

I. Companies / Partnerships and other collaboration agreements

	Decision	CD	D	SM	LM	Constraints	Notes
I.1	To propose the formation of a company jointly with third parties	√	√			Supported by a Council or Executive decision	Taking appropriate professional advice
I.2	Form any company with its	√	√			Making provision for the Council's	and to delegate such agreement

	shareholders named as the Council's Executive					Executive to agree any reserved matters	to the Chief Executive or Corporate Director
I.3	To ensure that any company formed A) Makes provision for any changes in the Company's Memorandum and Articles of Association to be approved by the Council's Executive B) Makes provision for the company to report on an annual basis to the Council's Executive.	√	√	√		Taking appropriate professional advice	
I.4	Enter into a partnerships "ie arrangements designed to secure some shared or mutual operational benefit" or other collaboration agreements	√	√	√		Risk appraisal required	Fully documented and with appropriate advice (including legal advice) and after informing Chief Finance Officer. See also relevant Procedure: In compliance with Financial procedure EA1 Partnerships