

Non-Executive Report of the: Human Resources Committee Monday, 12 June 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal & Monitoring Officer	Classification: Open
Establishment of Appointments Sub-Committee	

Originating Officer(s)	Joel West, Democratic Services Team Leader
Wards affected	(All Wards);

Executive Summary

The terms of reference of the Human Resources Committee, approved at the Annual Council meeting 17 May 2023, include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

This report recommends the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer/Deputy Chief Officer appointments and proposes criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

Recommendations:

The Human Resources Committee is recommended to:

1. Agree the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2023/24 as set out at paragraph 4.1 of this report;
2. Agree that the arrangements for nominating Councillors to serve on an Appointments Sub-Committee be as set out at paragraph 4.2 of this report and the Director, Workforce, OD & Business Support (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from group leaders; and
3. Note the process for appointment to Chief Officer and Deputy Chief Officer posts as set out at section 5 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the Human Resources Committee sets up Appointment Sub-Committees to determine senior officer appointments.

2. ALTERNATIVE OPTIONS

- 2.1 There are no alternative options, if the Appointment Sub-Committees are not set up then the Council will not be able to proceed with appointments to senior officer posts.

3. DETAILS OF THE REPORT

- 3.1 Under the Officer Employment Procedure Rules at Section 38 of the Council's Constitution, the Appointments Sub-Committee will be established on criteria approved by the Human Resources Committee comprising relevant Councillors to make appointments to Chief Officer and Deputy Chief Officer posts.
- 3.2 The criteria and an appointment process designed to meet the requirements of the Constitution, to be clear and transparent for Councillors and officers, and to follow recruitment best practice resulting in a successful and fair appointments process have previously been agreed.
- 3.3 This report sets out the process for Chief Officers and Deputy Chief Officers. The process for the appointment of a Chief Executive is agreed separately and, for the current recruitment exercise, was agreed at the extraordinary General Purposes Committee meeting on 28 March 2023. The Officer Employment Procedure Rules state that Head of Paid Service (Chief Executive) appointment will be approved by full Council following the recommendation of such an appointment by an Appointments Sub-Committee.

4. APPOINTMENTS SUB-COMMITTEE

Terms of reference

- 4.1 It is proposed that in accordance with the Council's Constitution, the Committee establish an Appointments Sub-Committee with the following terms of reference:- "To make appointments to Chief Officer and Deputy Chief Officer posts in accordance with the Council's Constitution and the agreed Recruitment and Selection Procedures."

Membership

- 4.2 In accordance with the proportionality rules for all Council Committees, it is proposed that the following arrangements, should apply;

- a) For a **Chief Officer** (Corporate Director level) and **Deputy Chief Officer** (Director level) appointment, the Appointments Sub-Committee shall comprise of **five Councillors** as follows:-
 - Three members nominated by the leader of the majority group, at least one of whom must either be the Mayor or a member of the Executive; and
 - Two Councillors nominated by the leader of the largest opposition Group.
- b) The Director, Workforce, OD & Business Support (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
- c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Monitoring Officer or the Head of Democratic Services (or their respective nominee) after consultation with the Director, Workforce, OD & Business Support will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
- d) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
- e) The quorum for the Appointments Sub-Committee shall be at least three members.

5. PROCESS FOR APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 5.1 The rules governing the appointment of Chief Officers/Deputy Chief Officers are set out in the Council's Officer Employment Procedure Rules (Section 38 of the Constitution), which are in turn substantially derived from statutory provisions (primarily the Local Authorities (Standing Orders) (England) Regulations 2001). In practical terms the following is an outline of the process. This may be abbreviated or some elements of the process may not be required in the case of an internal-only recruitment or interim appointment.

Advertisement and longlisting

- 5.2 The Council may use recruitment consultants to assist with senior appointments. The Director, Workforce, OD & Business Support will work with the recruitment consultants and the Head of Paid Service or the relevant Corporate Director to establish a timeline for the recruitment process and agree any advertisements in accordance with Council policy.

- 5.3 Following advertisement, the Director, Workforce, OD & Business Support, the recruitment consultants and the Head of Paid Service or relevant Corporate Director will agree a long-list of candidates and details of the process to follow this may include information visits, the use of assessment tools such as in-tray and other testing. Long-listed candidates will then undergo an assessment process.

Shortlisting and interviews

- 5.4 If necessary, the Appointments Sub-Committee may then meet to consider the results of the long-list process and the recruitment consultants' and officers' recommendations; and agree a shortlist of candidates for interview.
- 5.5 The Appointments Sub-Committee will then meet again to interview the shortlisted candidates. The officers will table suggestions for questions at the start of the meeting. References for candidates will be available for consideration but will only be considered once the ASC has decided who to appoint.

Appointment

- 5.6 If the Appointments Sub-Committee agrees on a candidate suitable for the post of Chief Officer/Deputy Chief Officer, it must inform the Mayor and each member of the Executive of its 'provisional intention to make an offer' to the preferred candidate. The Mayor and Executive members then have a two day period in which they may notify any objection to the making of the appointment. If no such objection is received within that period, a firm offer will be made. Should an objection be received the Appointments Sub-Committee would be required to reconvene to consider any objection and make a determination.

Note: Sub-Committee membership throughout the appointment process must remain the same

- 5.7 Membership of the Sub-Committee must remain the same throughout the process for an appointment and there can be no substitutions once the process has commenced for a particular appointment. A member of the Sub-Committee who ceases his/her participation after the Sub-Committee has started to meet may not be replaced. Rather the Sub-Committee would continue with a reduced number of members, subject to remaining quorate. Equally, a member of the Sub-Committee who does not participate in a stage of the process (e.g. shortlisting) may not then take part in a subsequent stage (e.g. interviews).
- 5.8 These provisions represent good recruitment practice. However, there may be occasions when their strict application could work against other aspects of best practice - for example by reducing the diversity of the Sub-Committee in terms of gender or ethnicity. In such exceptional circumstances the Director, Workforce, OD & Business Support may waive the requirement at 5.7 above in order to ensure a sufficiently diverse membership of the Sub-Committee, provided that consistency is maintained within each distinct stage of the appointment process.

6. EQUALITIES IMPLICATIONS

- 6.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 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.

Best value

- 7.2 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

Risk Management,

- 7.4 There is a risk that the Council will not be successful in securing the best staff and its reputation will suffer if the recruitment and selection process for senior staff does not operate smoothly and effectively. The recommendations detailed above will ensure the Council complies with the statutory requirements for the appointment of Chief Officers and Deputy Chief Officers.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 The costs of senior officer recruitment and the associated administering of the Appointments Sub-Committee will be contained within existing budget allocations for Human Resources and Workforce Development and related functions.

9. COMMENTS OF LEGAL SERVICES

- 9.1 In accordance with the amendments made to the Council's Constitution at the AGM on 17 May 2023, it is for the Human Resources Committee to determine criteria for the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers for Appointments Sub-Committees, which may be established from time to time to consider such appointments.
- 9.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require that an Appointments Sub-Committee include at least one member of the Executive. The regulations also set out a statutory 'objection' procedure under which an appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or a member of the Executive.
- 9.3 When considering the criteria for Appointments Sub Committees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). There is information in section 6 above relevant to these considerations.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Terms of Reference of the Appointment Sub Committee.

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

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

- NONE.