

GOVERNANCE COMMITTEE

Subject Heading:	Staff Employment Procedure Rules
SLT Lead:	Andrew Blake-Herbert, Chief Executive
Report Author and contact details:	John William Jones, Deputy Director of Legal and Governance and Monitoring Officer
Policy context:	Governance
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[]
Places making Havering	[]
Opportunities making Havering	[]
Connections making Havering	[]

SUMMARY

This report seeks approval for proposed changes to Part 5 of the Constitution which contains the Staff Employment Procedure Rules (the Rules). The changes update, improve and recast generally the Rules.

RECOMMENDATIONS

That the Committee:

1. consider and comment on the draft Rules attached at **Appendix 1**;
2. recommend to Council that the draft Rules be approved and that the Monitoring Officer be authorised to update the Constitution and make consequential changes.

REPORT DETAIL

1. Background

- 1.1 All local authorities are required by law to incorporate into their constitutions, as standing orders, rules relating to the employment of officers. These rules include the appointment, the taking of disciplinary action and dismissal of officers and are currently found in the Local Authorities (Standing Orders) Regulations 1993 as amended and the Local Authorities (Standing Orders) (England) Regulations 2001 as amended (the Regulations). Whilst the Regulations impose on local authorities certain mandatory rules, there is freedom and flexibility for local authorities to otherwise adopt their own procedures.
- 1.2 In summary, the Regulations set out the following:
 - 1.2.1 The appointment of the Chief Executive (as Head of Paid Service) is a decision that must be approved by full Council;
 - 1.2.2 The appointment of other chief officers or deputy chief officers may be member (sitting as a committee) or officer level decisions;
 - 1.2.3 Disciplinary action and dismissal of chief officers and deputy chief officers may be member (sitting as a committee) or officer level decisions;
 - 1.2.4 Specific rules for taking disciplinary action against or the dismissal of the Head of Paid Service (Chief Executive), Chief Finance Officer (Chief Operating Officer) and Monitoring Officer (Deputy Director of Legal and Governance);
 - 1.2.5 Specific rules for the appointment of political assistants;

- 1.2.6 Proposals to appoint, take disciplinary action or dismiss chief officers or deputy chief officers are subject to a process whereby Cabinet members may object. If there is an objection, the decision maker must consider the objection and can only proceed if the objection is not material or well founded.
- 1.2.7 All matters relating to the employment of officers below deputy chief officers, are the responsibility of the Chief Executive (as Head of Paid Service).
- 1.3 Chief officers include statutory director posts and those reporting to the Chief Executive. Deputy chief officers are those reporting to chief officers. Clerical staff are excluded from these definitions.

2. Key Considerations and Proposals

- 2.1 As well as updating the current Rules by removing references to obsolete job titles and generally improving the wording and formatting of the text, the draft Rules attached at **Appendix 1**, if approved, will have the following key effects:
 - 2.1.1 Members will be responsible for appointing all chief officers (i.e. members of the Senior Leadership Team; the Monitoring Officer and the Director of Public Health) (see Table 1 below);
 - 2.1.2 Members will also be responsible for appointing deputy chief officers graded at G15 or above (see Table 1 below);
 - 2.1.3 The Chief Executive (or his/her nominee) will be responsible for the appointment of all other deputy chief officers;
 - 2.1.4 The Chief Executive (or his/her nominee) will be responsible for interim, temporary or fixed term appointments but subject to the requirements and limits specified (see paragraphs 2.17-2.20 of the draft Rules);
 - 2.1.5 Members will be responsible for the dismissal or the taking of disciplinary action against the Chief Executive or a chief officer only.
- 2.2 The following table sets out the chief officer and deputy chief officer posts which members are responsible for appointing to.

Table 1

Member chief officer/deputy chief officer appointments
Chief executive

Chief Operating Officer (Chief Finance Officer)
Monitoring Officer (Deputy Director of Legal and Governance)
Director of Adult Services
Director of Childrens Services
Director of Regeneration Programme Delivery
Director of Housing Services
Director of Neighbourhoods
Joint Director of Public Health
Assistant Director Education
oneSource Executive Director and oneSource Directors (via the oneSource Joint Committee)

- 2.3 Member decision making in relation to employment matters is undertaken by the Appointments Sub-Committee. However, in relation to the oneSource Executive Director and oneSource Directors, decision making at member level is via the oneSource Joint Committee.
- 2.4 The Committee is asked to recommend to Council that the draft Rules be approved and that the Monitoring Officer be authorised to update the Constitution and make consequential changes.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report.

Legal implications and risks:

These are incorporated into the report.

Human Resources implications and risks:

These are incorporated into the report.

Equalities implications and risks:

Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The

protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

“Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

There are no direct equality implications resulting from the proposed changes to the Rules but the Council’s policies, procedures and practices are designed to achieve equality of treatment and a level playing field.

Background Papers

None.