

Committee: Standards and General Purposes Committee

Date: 12 March 2020

Subject: Amendments to the Appointments Committee Terms of Reference and the Employee Procedure Rules

Lead officer: Louise Round, Managing Director South London Legal Partnership

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Fiona Thomsen, Head of Shared Legal Services; and Julia Regan, Head of Democracy Services

Recommendations:

- A. That the Standards and General Purpose Committee recommends that Council approves the amended Terms of Reference for the Appointments Committee, as set out in Appendix 1;
 - B. That the Officer Employment Procedure Rules be amended as set out in paragraph Appendix 2;
 - C. That authority be delegated to the Monitoring Officer to amend the Council's constitution to incorporate any direct or consequential changes resulting from the approval of recommendations A and B above
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report presents proposed changes to the Appointments Committee Terms of Reference as set out in Appendix 1; and to the Officer Employment Procedure Rules and Appointments Committee Procedure as set out in Appendix 2 for consideration and recommendation to Council on 1 April 2020.

2 DETAILS

Appointments committee

- 2.1. The Council has established an Appointments Committee for the purposes of interviewing and recommending to Council the appointment of the Chief Executive and Head of Paid Service; interviewing and appointing Chief Officers, officers at Director level including the monitoring officer; and to consider the terms and conditions on which officers hold office including restructures and reorganisations at Deputy Chief Officer level and above. The terms of reference are set out in Part 3B, paragraph 1.2 of the Council's Constitution.
- 2.2. The Constitution and Pay Policy Statement state that approval to recruit to a post where the package is in excess of £100k p.a. must first be obtained by full Council.
- 2.3. The Appointments Committee should meet prior to the commencement of the recruitment process to agree the job description, person specification, timetable for recruitment. Custom and practice in Merton has been that a

panel of members is established to carry out the shortlisting and interviews, with the Appointments Committee meeting at the end of the process to ratify the decision of the panel, although this is not clear from the current wording of the Terms of Reference. The process could be streamlined by amending the Terms of Reference to enable the Appointments Committee to set up a formal sub-committee for the purposes of shortlisting and interviewing candidates for chief officer positions. The Sub-Committee would have delegated authority to make the appointment, without requiring the parent committee to meet again to ratify the decision. In the event of the appointment of the Chief Executive, the Sub-Committee would make a recommendation to Council, which is required by statute to appoint the Head of Paid Service. There would be no absolute requirement for the Appointments Committee to establish a sub-committee for specific individual appointments, if it considered it wished to reserve the appointment to itself.

- 2.4. A committee or sub-committee responsible for shortlisting and interview panels must, as a matter of law, have at least one member of the Cabinet sitting. Ideally the membership should be the same at each stage and every effort should be made to ensure the panel is diverse. The Sub-Committee should as far as possible reflect the overall political balance of the council. In the event of a joint appointment with a neighbouring borough, an amended process would need to be agreed with that borough.
- 2.5. No member should sit on such a Committee or Sub-Committee without first having received appropriate recruitment and selection training by HR.

Officer Employment Procedure Rules

- 2.6. The Council's Officer Employment Procedure Rules are set out at Part 4H of the Council's constitution. The Officer Employment Procedure Rules have been amended to reflect the proposed changes to the process and the Appointments Committee Terms of Reference and are attached at Appendix 2. An amendment has also been made to clarify the position in relation to the appointment of the Monitoring Officer. The Council has designated the Managing Director of the South London Legal Partnership as Monitoring Officer and there is no legal requirement for the appointment of the individual to be approved by the full Council. As currently drafted there were inconsistencies between the terms of reference of the Appointments Committee and the Employment Procedure Rules. It is suggested these are amended to make it clear that any future appointments do not need the approval of full Council so long as it has approved the recruitment process and the salary package in advance.

3 ALTERNATIVE OPTIONS

- 3.1. There are no alternative options proposed.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None for the purposes of this report.

5 TIMETABLE

- 5.1. Subject to consideration by the Standards and General Purposes Committee, it is proposed to report the amended Terms of Reference and Employee Procedure Rules to Council on 1 April (tbc).

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The procedure complies with the statutory and regulatory requirements relating to the appointment of the head of paid service, statutory chief officers, non-statutory chief officers and deputy chief officers.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. All appointments are made on merit and taking account of the protected characteristics.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Revised Appointments Committee Terms of Reference
- Appendix 2 – Revised Officer Employment Procedure Rules and Appointments Committee procedure

12 BACKGROUND PAPERS

- 12.1. None

This page is intentionally left blank