



## Establishment Committee

**Date:** FRIDAY, 16 SEPTEMBER 2016  
**Time:** 1.45 pm  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:** Deputy the Revd Stephen Haines (Chairman)  
Edward Lord (Deputy Chairman)  
Randall Anderson  
Mark Boleat  
Nigel Challis  
Deputy Billy Dove  
Alderman Peter Estlin  
Deputy Kevin Everett  
Deputy Jamie Ingham Clark  
Jeremy Mayhew  
Sylvia Moys  
Deputy Joyce Nash  
Barbara Newman  
Deputy Richard Regan  
Deputy Elizabeth Rogula  
Angela Starling  
Philip Woodhouse

**Enquiries:** Sacha Than  
tel. no.: 020 7332 3419  
sacha.than@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at 1pm  
**NB: Part of this meeting could be the subject of audio or video recording**

**John Barradell**  
Town Clerk and Chief Executive

# AGENDA

## Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 12 July 2016.  

**For Decision**  
(Pages 1 - 4)
4. **OUTSTANDING ACTIONS REPORT**  
Report of the Town Clerk.  

**For Information**  
(Pages 5 - 6)
5. **ACCOMMODATION AND WAYS OF WORKING**  
Report of the Town Clerk.  

**For Information**  
(Pages 7 - 20)
6. **COMPTROLLER AND CITY SOLICITOR'S BUSINESS PLAN Q1 UPDATE**  
Report of the Comptroller and City Solicitor.  

**For Information**  
(Pages 21 - 24)
7. **COMPTROLLER AND CITY SOLICITORS' DEPARTMENTAL RISK MANAGEMENT REPORT**  
Report of the Comptroller and City Solicitor.  

**For Information**  
(Pages 25 - 36)
8. **REVENUE OUTTURN 2015/16**  
Report of the Town Clerk, the Chamberlain and the Comptroller and City Solicitor.  

**For Information**  
(Pages 37 - 40)

9. **STAFF APPEAL COMMITTEE**  
Joint report of the Comptroller and City Solicitor, the Director of Human Resources and the City Surveyor.
- For Decision**  
(Pages 41 - 44)
10. **CORPORATION'S DISCIPLINARY PROCEDURE**  
Joint report of the Comptroller and City Solicitor, the Director of Human Resources.
- For Decision**  
(Pages 45 - 64)
11. **MEMBER / OFFICER PROTOCOL**  
Director of Human Resources to be heard.
- For Discussion**
12. **ATTRACTING TALENT**  
Report of the Director of Human Resources.
- For Information**  
(Pages 65 - 78)
13. **OPERATION OF THE SCHEME OF DELEGATIONS**  
Report of the Director of Human Resources.
- For Information**  
(Pages 79 - 82)
14. **CORPORATE HEALTH & SAFETY MANAGEMENT SYSTEMS EXTERNAL AUDIT**  
Report of the Director of Human Resources.
- For Information**  
(Pages 83 - 100)
15. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
17. **EXCLUSION OF THE PUBLIC**  
MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.
- For Decision**

## **Part 2 - Non-Public Agenda**

18. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 12 July 2016.

**For Decision**  
(Pages 101 - 104)

19. **OUTSTANDING ACTIONS REPORT**

Report of the Town Clerk.

**For Information**  
(Pages 105 - 110)

20. **MANAGED SERVICE OF TEMPORARY AGENCY RESOURCE PROCUREMENT  
STAGE 1 REPORT**

Report of the Chamberlain.

**For Information**  
(Pages 111 - 122)

21. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE  
COMMITTEE**

22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND  
WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE  
PUBLIC ARE EXCLUDED**

## **Part 3 - Confidential Agenda**

23. **CONFIDENTIAL MINUTES**

To agree the Confidential minutes of the last meeting held on 12 July 2016.

**For Decision**

24. **EMPLOYMENT CASES AND SETTLEMENTS**

Report of the Comptroller and City Solicitor.

**For Information**

25. **TOWN CLERK'S DEPARTMENTAL RECONFIGURATION: UPDATE**

Town Clerk to be heard.

**For Information**

## ESTABLISHMENT COMMITTEE

Tuesday, 12 July 2016

**Minutes of the meeting of the Establishment Committee held at the Guildhall EC2 at 1.45 pm**

### **Present**

#### **Members:**

Deputy the Revd Stephen Haines (Chairman)	Jeremy Mayhew
Edward Lord (Deputy Chairman)	Sylvia Moys
Randall Anderson	Deputy Joyce Nash
Nigel Challis	Barbara Newman
Deputy Billy Dove	Angela Starling
Deputy Kevin Everett	Philip Woodhouse
Deputy Jamie Ingham Clark	

#### **Officers:**

Christopher Braithwaite	- Town Clerk's Department
Sacha Than	- Town Clerk's Department
Chris Bell	- Chamberlain's Department
Michael Cogher	- Comptroller and City Solicitor
Nick Senior	- Comptroller and City Solicitor's Department
Steven Humpleby	- Central Criminal Court
Chrissie Morgan	- Director of Human Resources
Janet Fortune	- Human Resources Department
Pat Dixon	- Community and Children's Services Department
Richard Gentry	- Open Spaces Department

#### **1. APOLOGIES**

Apologies for absence were received from Mark Boleat, Alderman Peter Estlin, Deputy Richard Regan and Deputy Elizabeth Rogula.

#### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were no declarations of interest.

#### **3. MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 9 June 2016 be approved as a correct record.

#### **4. OUTSTANDING ACTIONS REPORT**

The Committee considered a report of the Town Clerk which provided details of outstanding actions from previous meetings.

**RESOLVED** – That the Committee notes the report.

5. **MINUTES OF THE JOINT CONSULTATIVE COMMITTEE**  
**RESOLVED** – That the public minutes and summary of the meeting of the Joint Consultative Committee held on 9 June 2016 be noted.

6. **LOCAL AUTHORITY DESIGNATED OFFICER 2015/16 ANNUAL REPORT**  
The Committee considered a report of the Director of Community and Children Services which provided the Committee with updates on the activity and performance of the Local Authority Designated Officer Role for 2015-16.

The Children’s Social Care Manager confirmed that the number of referrals to the Local Authority Designated Officer had increased as a result of awareness-raising activity such as training and briefings.

In response to a Member’s query, the Children's Social Care Manager confirmed that training on the Local Authority Designated Officer Role could be arranged for Members and this would be referred to the Members’ Development Steering Group.

**RESOLVED** – That the Committee:

- a) notes the report; and
- b) requests that a training session on the Local Authority Designated Officer Role be arranged via the Members Development Steering Group.

7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no urgent items.

9. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item	Paragraph
10,17	1,2,3,4
11	3,4
12, 14, 18	4
13	2,3
19	1,2,3
20	1,2

10. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 9 June 2016 were approved.

11. **OUTSTANDING ACTIONS REPORT**  
The Committee noted a report of the Town Clerk which provided details of non-public outstanding actions from previous meetings.
12. **NON-PUBLIC MINUTES OF THE JOINT CONSULTATIVE COMMITTEE**  
The non-public minutes of the meeting of the Joint Consultative Committee held on 9 June 2016 were noted.
13. **CITY PROCUREMENT RESTRUCTURE**  
The Committee considered and approved a report of the Chamberlain which proposed the creation of a new team within City Procurement.
14. **UPDATE ON 2016/17 PAY AWARD**  
The Director of Human Resources gave an oral update on the 2016/17 pay award.
15. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**  
There were no questions.
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**  
An item of urgent business was raised by the Director of Human Resources.
17. **CONFIDENTIAL MINUTES**  
The confidential minutes of the meeting held on 9 June 2016 were approved.
18. **REVIEW A TEAM WITHIN THE CENTRAL CRIMINAL COURT**  
The Committee considered and approved a report of the Secondary of London regarding the review of a team within the Central Criminal Court.
19. **RESTRUCTURE OF A TEAM WITHIN THE OPEN SPACES DEPARTMENT**  
The Committee considered and approved a report of the Director of Open Spaces regarding the restructure of a team within the Open Spaces Department.
20. **STAFF APPEALS COMMITTEE MINUTES**  
The minutes and summary of the Staff Appeals Committee held on 20 May 2016 were noted.

**The meeting closed at 2.50 pm**

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Chairman

**Contact Officer: Sacha Than**  
**tel. no.: 020 7332 3419**  
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### Establishment Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1.	10 March 2016, Item 5	<u>Unconscious Bias Training</u> The Committee requested that the Member Development Steering Group consider whether equality and inclusion training, including training on unconscious bias, should be mandatory for all Members.	Town Clerk	September 2016	The Town Clerks' Department has liaised with HR and a Member Development training session is due to take place in September 2016.
2.	12 July 2016, Item 6	<u>Local Authority Designated Officer Role</u> The Committee requested that the Member Development Steering Group set up a training session on the Local Authority Designated Officer Role.	Town Clerk	October 2016	The Town Clerk's Department to liaise with Community & Children's Services to arrange a briefing.

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<b>Committee(s):</b>	<b>Date(s):</b>
Projects Sub-Committee	7 September 2016
Policy and Resources Committee	8 September 2016
Establishment Committee – for information	16 September 2016
Corporate Asset Sub-Committee – for information	23 September 2016
<b>Subject:</b> Accommodation and Ways of Working	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Information</b>

### Summary

The City Corporation is a modern employer and wherever possible the work-styles and culture within the organisation have kept pace with changes both in the public and private sectors. The current position is, however, typified by Departmental working with staff performance management often focused on inputs and presenteeism. We also have an inefficient utilisation of our office spaces with a high desk to staff ratio of 1.1 which does not support modern approaches to interaction and team working.

This programme aims to modernise working practices, based around the needs of our internal and external customers, optimise our buildings and facilities to provide focus for improvements to our business processes, skills and assets as well as positively enhance the Wellbeing of our staff.

It is planned to introduce a pilot model office, for DBE and some Open Spaces staff on the 1st Floor of Guildhall North Block from October 2016. This will pilot the new ways of working, including accommodation changes and greater agile working enabled through IT. This experience will inform the development of the overall options and business case for the widespread programme of change envisaged.

This programme will be a core enabler and trigger to starting an organisation transformation of Culture. It will also enable the rationalisation and commercial letting opportunities identified from the Operational Property

### Recommendations

#### **Projects Sub Committee**

- Approve the project to progress to Gateway 3 - Outline Options Appraisal

#### **Policy and Resources Committee**

- note the report and the implications for the Guildhall Complex

#### **Establishment Committee**

- Note to Accommodation and New Ways of Working Programme and the implications for the City of London Corporation Workforce

#### **Corporate Asset Sub Committee (CASC)**

- Note the Accommodation and New Ways of Working Programme and the implications for improving the efficiency and effectiveness of the Corporation's operational property. Particularly in relation to the potential to release Irish Chamber and Walbrook Wharf.

## Main Report

### **Background**

1. The City Corporation is a modern employer and wherever possible the work-styles and culture within the organisation have kept pace with changes both in the public and private sectors. The current position is, however, typified by Departmental silo working with staff performance management often focused on inputs and presenteeism. The City Corporation culture and ways of working needs to keep pace with what is now standard practice for large successful organisations that successfully focus on outcomes and customer need, delivering joined up services and with whom we compete with to recruit and retain quality staff. We also have an inefficient utilisation of our office spaces with a high desk to staff ratio of 1.1 which does not support modern approaches to interaction and team working.
2. This programme will be a core enabler and trigger to starting an organisation transformation of Culture, focused on Pride, Passion, Pace and Professionalism, with business processes orientated around achieving excellent outcomes for our customers, with the current culture of Departmental Silos and resistance to change overcome within the overall Transformation Programme. It will create the foundation for a culture that embraces continuous improvement, best practice and flexibility with performance measured through outcomes and delivery – with work styles and the tools to support these clearly defined.
3. The Chief Officers Summit Group, recognising the significance of these issues agreed to the commencement of an Accommodation and Ways of Working project earlier this year. Initial start-up funding of £145k from the Transformation Fund and additional local risk contributions of £10k each from pilot Departments DBE and Open Spaces have enabled external expertise to be commissioned to progress the programme including preparations for introducing a model office.
4. As stated above, the City Corporation is a forward looking organisation and has made some significant investments in improving the workplace and facilities provided over the last two decades through the Guildhall Improvement projects. This investment in the fabric of our central buildings is an enabler for the City Corporation to now embark on a significant cultural change programme. The need for this programme reflects the importance of keeping relative pace with the significant changes in the work environment, expectations of a modern workforce and stakeholders and a focus on transforming the organisational culture of the City Corporation.

### **Operational Property Review**

5. This programme will be interdependent with the operational property review, ensuring that identified benefits of running cost savings and rental income generation initially estimated at £1.6m per year from that project can be achieved through new ways of working. This will be through rationalisation and commercial letting opportunities enabled by staff vacating Walbrook Wharf front

offices and Irish Chambers and moving into a more intensively utilised Guildhall Complex.

### **Project Description**

6. The programme will create the environment that will enable a significant cultural change through the introduction of ways of working and work spaces that break away from our traditional desk based silos. The project will encourage greater collaboration, co-creation, improved productivity and health benefits for staff with services focused around our customers whether they are internal or external. It will;
  - Clarify our services and how best we can deliver these through improving how we work individually, in our teams and collaboratively with others
  - Establish a set of worker styles that support the culture and ways of working
  - Identify changes to process, policy, technology, design and use of space and facilities
7. There are significant opportunities to improve services and we would like to create a business case describing these benefits, both to staff, customers and the bottom line of costs. The project will involve:-
  - Introduce a flexible and agile work environment supporting new ways of working
  - Increase mobile technology and decrease fixed desk devices based on role and functional needs
  - Rationalisation of operational property – achieved through increased density of staff occupation
  - Reduced sickness levels and loss of productivity through presenteeism
  - Training for managers in HR policy and work practices that support new ways of delivering outcomes

### **Pilot Model Office**

8. It is planned to introduce a pilot model office, for DBE and some Open Spaces staff on the 1<sup>st</sup> Floor of Guildhall North Block from October 2016. This will pilot the new ways of working, including accommodation changes and greater agile working enabled through IT. This experience will inform the development of the overall options and business case for the widespread programme of change envisaged. Diversity and inclusion staff networks are being closely consulted in the design of the model office as it will be an ideal opportunity to trial improvements in equipment and working practices that support staff wellbeing. The pilot model office will also enable to vacation of Open Spaces staff from the Irish Chambers.
9. As preparation for this change, a corporate wide de-clutter campaign commenced in July, championing good housekeeping of both electronic and paper records, with an aim of reducing the retention of unnecessary records. Member will be aware of the increasing IT costs associated with electronic record keeping.
10. A range of options for introducing this pilot office are currently being considered and costed for which further funding will be necessary. Depending on the

recommended pilot option, quantum and nature of costs (revenue or capital) funding to implement the model office is to be sought from Members in October 2016 if approved in order to maintain the momentum of the change programme.

### **Conclusion**

11. This programme will enable the Corporation to keep relative pace with the significant changes in the work environment, expectations of a modern workforce and stakeholders.
12. This programme will be a core enabler and trigger to starting an organisation transformation of Culture. It will create the foundation that embraces continuous improvement, best practice and flexibility with performance measured through outcomes and delivery – with work styles and the tools to support these clearly defined. It will also enable the rationalisation and commercial letting opportunities identified from the Operational Property Review.

### **Appendices**

**Appendix 1** – Accommodation and Ways of Working – Gateway 1 / 2 Report

**Appendix 2** – Accommodation and Ways of Working – Vision and Objectives

### **Paul Nagle**

Head of Finance – Projects

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## APPENDIX 1

<b>Committees:</b>		<b>Dates:</b>
Projects Sub-Committee – for decision		7 September 2016
Policy and Resources Committee – for information		8 September 2016
Establishment Committee – for information		16 September 2016
Corporate Asset Sub-Committee – for information		23 September 2016
<b>Subject:</b> Accommodation and Ways of Working	<b>Gateway 1&amp;2 Project Proposal:</b> Complex	<b>Public</b>
<b>Report of:</b> Town Clerk <b>Report Author:</b> Paul Nagle, Chamberlain’s Department		<b>For Decision</b>

### Recommendations

<b>1. Approval track and next Gateway</b>	<b>Approval track:</b> 1. Complex <b>Next Gateway:</b> Gateway 3 - Outline Options Appraisal (Complex)			
<b>2. Resource requirements to reach next Gateway</b>	<b>Item</b>	<b>Reason</b>	<b>Funds/ Source of Funding</b>	<b>Cost (£)</b>
	Programme Change Manager	Leadership and co-ordination, senior officer engagement – 6 months – av 2-3 days per week - £800 per day	Transformation Fund	£45,000
	Space Planning and New Ways of Working consultant	Development of business case, space options, advice on implementation	£20k – Local Risk c’fwd funding, remainder Transformation Fund.	£60,000
	2 Business Analyst – (ideally one be in-house secondment – covered by backfill cost)	Internal communication, project office, - 6 months	Transformation Fund.	£60,000
<b>3. Next steps</b>	<ul style="list-style-type: none"> <li>• Oct 16 – Gateway 3 – Outline Options (options for implementing Model Office – including any additional funding if required)</li> <li>• Oct/Nov 16 – implemented Model office if approved</li> <li>• Dec 16 - Develop success criteria and lessons learned based on pilots for an overall programme</li> <li>• Jan 17 - Produce Gateway 4 Detailed Options Appraisal</li> </ul>			

## Project Summary

<b>4. Context</b>	<p>This programme aims to modernise working practices, based around the needs of our internal and external customers, optimise our buildings and facilities to provide focus for improvements to our business processes, skills and assets as well as positively enhance the Wellbeing of our staff.</p> <p>The City of London Corporation work-styles and culture, is typified by Departmental working with staff performance management often focused on inputs and presenteeism. We also have an inefficient utilisation of our office spaces with a high desk to staff ratio of 1.1 which does not support modern approaches to interaction and team working. The City Corporation culture and ways of working needs to keep pace with what is now standard practice for large successful organisations that successfully focus on outcomes and customer need, delivering joined up services and with whom we compete with to recruit and retain quality staff.</p> <p>This programme will be a core enabler and trigger to starting an organisation transformation of Culture, focused on Pride, Passion, Pace and Professionalism, with business processes orientated around achieving excellent outcomes for our customers, with the current culture of Departmental working overcome within the overall Transformation Programme. It will create the foundation for a culture that embraces continuous improvement, best practice and flexibility with performance measured through outcomes and delivery – with work styles and the tools to support these clearly defined. It will provide opportunities to breakdown Departmental silos and encourage Cross-Departmental working and interaction to achieve better outcomes for our customers.</p> <p>This programme will be interdependent with the operational property review, ensuring that identified benefits of running cost savings and rental income generation initially estimated at £1.6m per year from that project can be achieved through new ways of working. This will be through rationalisation and commercial letting opportunities enabled by staff vacating Walbrook Wharf front offices and Irish Chambers and moving into a more intensively utilised Guildhall Complex.</p>
<b>5. Brief description of project</b>	<p>The programme will create the environment that will enable a significant cultural change through the introduction of ways of working and work spaces that break away from our traditional desk based silos. The project will encourage greater collaboration, co-creation, improved productivity and health benefits for staff with services focused around our customers whether they are internal or external. It will;</p> <ul style="list-style-type: none"><li>• Clarify our services and how best we can deliver these through improving how we work individually, in our teams</li></ul>



	<p>and collaboratively with others</p> <ul style="list-style-type: none"> <li>• Establish a set of worker styles that support the culture and ways of working</li> <li>• Identify changes to process, policy, technology, design and use of space and facilities</li> </ul> <p>There are significant opportunities to improve services and we would like to create a business case describing these benefits, both to staff, customers and the bottom line of costs. The project will involve:-</p> <ul style="list-style-type: none"> <li>• Introduce a flexible and agile work environment supporting new ways of working</li> <li>• Increase mobile technology and decrease fixed desk devices based on role and functional needs</li> <li>• Rationalisation of operational property – achieved through increased density of staff occupation</li> <li>• Reduced sickness levels and loss of productivity through presenteeism</li> <li>• Training for managers in HR policy and work practices that support new ways of delivering outcomes</li> </ul>
<p><b>6. Consequences if project not approved</b></p>	<ul style="list-style-type: none"> <li>• Opportunity to enable organisational wide transformation through the adoption of modern ways of working not progressed resulting in underachievement of City of London Corporation ambition.</li> <li>• Do not meet the needs, expectations and demands of an increasingly modern workforce resulting in increasing difficulty in the recruitment and retention of staff</li> <li>• Opportunity to improve efficiency in the use of time &amp; resources in programming internal staff moves not realised.</li> <li>• Status quo maintained on sickness absence levels and presenteeism</li> <li>• Gap between current and future technology and methods of working becomes too large to bridge economically</li> <li>• Lack of opportunities to relocate staff out of Walbrook Wharf, Irish Chambers and Guildhall Justice Rooms.</li> </ul>
<p><b>7. Success criteria</b></p>	<ul style="list-style-type: none"> <li>• More agile and resilient services</li> <li>• Increased productivity and reduced sickness absence levels</li> <li>• More motivated, engaged and positive workforce</li> <li>• Efficiency and collaboration</li> <li>• Improved reputation as an employer</li> <li>• Enhanced working environment for personnel.</li> <li>• Reduced energy needs and carbon footprint</li> <li>• Improved utilisation of Guildhall North and West Wings</li> <li>• Creation of revenue receipts from surplus premises.</li> </ul>
<p><b>8. Notable exclusions</b></p>	<ul style="list-style-type: none"> <li>• Any of the City of London Police accommodation</li> <li>• Consideration will be given to introducing necessary infrastructure across the remainder of the operational</li> </ul>

	portfolio (i.e. offices outside the core Guildhall Complex) at a later date.
<b>9. Governance arrangements</b>	<p>Project Board reporting to Strategic Resources Group, with links to</p> <p><b>Spending Committee:</b> Policy and Resources Committee</p> <p><b>Senior Responsible Officer:</b> Simon Murrells, Assistant Town Clerk</p> <p><b>Project Board:</b> Yes</p>

### Prioritisation

<b>10. Link to Strategic Aims</b>	1. To support and promote The City as the world leader in international finance and business services
<b>11. Links to existing strategies, programmes and projects</b>	<p>This proposal would assist all departments with Service Based Review aims and targets.</p> <ul style="list-style-type: none"> <li>• Joint Contact and Control Centre</li> <li>• One Safe City initiative</li> <li>• IT digitisation and Flexible Working Review</li> <li>• IT – Unified Communications</li> <li>• End User Device Renewal</li> <li>• Joint Network Refresh Programme</li> <li>• HR Wellbeing Project</li> <li>• Guildhall Justice Rooms Redevelopment Project</li> <li>• Strategic Energy Review</li> </ul>
<b>12. Project category</b>	3a. Spend to save
<b>13. Project priority</b>	A. Essential

### Options Appraisal

<b>14. Overview of options</b>	<p><b>i) Do Nothing</b> - This option continues the current inefficient use of our office space compared to modern practices and limits opportunities to progress future Guildhall Justice Rooms and Walbrook Wharf potential redevelopment options.</p> <p><b>ii) Retain the existing layout and furniture, with increased agile working</b> – Applying a simple 8 desks to 10 staff ratio to the existing desks gives a maximum capacity of circa 1,500 staff (located in North and West Wings, 65 Basinghall Street and Irish Chambers). However, this approach would not provide the ancillary space required to support additional staff in higher densities and would not achieve all the success criteria in terms of cultural change and the benefits from adopting an enhanced working healthy positive environment for personnel.</p>
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	<p><b>iii) Adopt full modern new ways of working</b> - implementing new office layouts and furniture, agile working IT, with the purpose of optimising the space, increasing staff densities enhancing wellbeing and adopting new ways of working.</p> <p>The Model Office pilot will look at a range of options between ii) and iii) which will be developed for Gateway 4.</p>
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### Project Planning

<p><b>15. Programme and key dates</b></p>	<p><b>Overall programme:</b> Propose phased through 2016 - 2018</p> <p><b>Key dates:</b></p> <p>October 2016 - Model Office established</p> <p>January 2017 - Development of Detailed Business Case 2016 – (Gateway 4)</p> <p><b>Other works dates to coordinate:</b></p> <p>Timing of the Joint Network Refresh, End User Device Replacement because these projects are necessary to provide improved IT infrastructure that will support Agile working.</p>
<p><b>16. Risk implications</b></p>	<p><b>Overall project risk:</b> Amber</p> <ul style="list-style-type: none"> <li>• IT readiness and capability to provide the infrastructure and support new ways of working in a manner which is high performing, available, scalable and secure</li> <li>• Insufficient space for all staff in scope of accommodation changes</li> <li>• Insufficient capacity within business areas to support programme activities delaying implementation or resulting in reduced benefits</li> <li>• Staff do not embrace changes in ways of working resulting in negligible changes in culture</li> <li>• Changes to working practices negatively impact service delivery</li> </ul>
<p><b>17. Stakeholders and consultees</b></p>	<ul style="list-style-type: none"> <li>• Chief Officers</li> <li>• Wider staff consultation</li> <li>• Trade Unions</li> </ul>

### Resource Implications

<p><b>18. Total estimated cost</b></p>	<p><b>Likely cost range:</b> Estimated based on experience for an organisation of this size, although this programme would only cover incremental costs for IT required and outside of the scope of existing IT Programmes.</p>
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	3. £5m+								
<b>19.</b>	<p><i>Stage 1 – initial expert advice on implementation, office planning options and costs</i></p> <p><i>Stage 2 – implementation of model office and development of detailed business case so can progress to Gateway 4.</i></p> <table border="1"> <thead> <tr> <th><b>Funds/Sources of Funding</b></th> <th><b>Cost (£)</b></th> </tr> </thead> <tbody> <tr> <td>Local risk contributions from DBE - £10k, Open Spaces - £10k</td> <td>20,000</td> </tr> <tr> <td>Transformation Fund</td> <td>145,000</td> </tr> <tr> <td style="text-align: right;"><b>Total</b></td> <td><b>165,000</b></td> </tr> </tbody> </table>	<b>Funds/Sources of Funding</b>	<b>Cost (£)</b>	Local risk contributions from DBE - £10k, Open Spaces - £10k	20,000	Transformation Fund	145,000	<b>Total</b>	<b>165,000</b>
<b>Funds/Sources of Funding</b>	<b>Cost (£)</b>								
Local risk contributions from DBE - £10k, Open Spaces - £10k	20,000								
Transformation Fund	145,000								
<b>Total</b>	<b>165,000</b>								
<b>20. On-going revenue implications</b>	A significant financial benefit of the proposal is to reduce revenue costs by operating from a smaller estate (as identified from the operational property review) and to minimise wastage and improve the efficiency of operations through improved processes and ways of working as well as reducing cost from sickness absence and presenteeism.								
<b>21. Investment appraisal</b>	A business case appraisal will be run balancing the estimated costs of investment against lower running costs and potential income and capital creation from released operational assets and other financial benefits.								
<b>22. Procurement strategy/Route to Market</b>	<p>A soft market testing and procurement exercise has been undertaken to research the costs of using an external companies and consultants to develop the project and provide space planning advice.</p> <p>An external Programme Change Manager with experience and skills in delivering similar programmes in other organisations has been procured to deliver the first phase of the project on a 6 month fixed contract at a rate of £800 per day.</p> <p>A programme space management consultancy to support in the identification of best practice solutions, advising on the benefits of the proposal as well as the cost, alongside other issues to be considered such as M&amp;E upgrade requirements and IT solutions has been contracted initially for £30k. Further work may be contracted to assist in the development of the work space designs.</p> <p>Appointment of the two business analysts would be via internal and external advertising. Ideally one of the business analysts would be via an internal secondment.</p>								
<b>23. Legal implications</b>	Potential HR/contract issues, Minimum space requirements under the Workplace (Health, Safety and Welfare) Regulations 1992.								
<b>24. Corporate property</b>	In the context of modern working environments and the Service Based Review it is essential to ensure that we are optimising								

<b>implications</b>	<p>our central corporate assets. Furthermore industry claims suggest that staff retention and productivity are enhanced if more flexible working is adopted; however, there must be the appropriate associated infrastructure including sufficient break out spaces, quiet spaces, meeting rooms and personal lockers.</p> <p>The proposal must be supported fully by appropriate IT infrastructure and mechanical and electrical capability; existing capacities will be reviewed and options to grade to the necessary levels will be put forward.</p> <p>Chief Officer support and lead will be vital in relation to potential staff resistance to changes in new ways of working.</p>
<b>25. Traffic implications</b>	Increased deliveries / activities at Guildhall Complex will need to be managed.
<b>26. Sustainability and energy implications</b>	Energy consumption likely to increase at Guildhall Complex, but CoL cost will be offset by reduced consumption at other sites if vacated, redeveloped or sold. The Strategic Energy Review and the upcoming Energy Efficiency Fund may prioritise work differently as a result of the Accommodation and Ways of Working Programme.
<b>27. IT implications</b>	<ul style="list-style-type: none"> <li>• Significant IT infrastructure investment / enhancement is already an identified requirement across the organisation.</li> <li>• Chamberlain's IT Division have partly completed network upgrades to allow some agile working and are challenging the existing 'one desk, one fixed computer terminal culture' when dealing with new requests.</li> <li>• This project links to the End User Device Renewal and Joint Network Refresh Programmes. Because these projects will enhance IT capability to support agile working. These and further upgrades to infrastructure, IT equipment and telephony will be considered in conjunction with physical space and new ways of working outlined in this report. Progress on these workstreams will be a key dependency for this change programme.</li> </ul>
<b>28. Equality Impact Assessment</b>	An equality impact assessment will be undertaken

### Contact

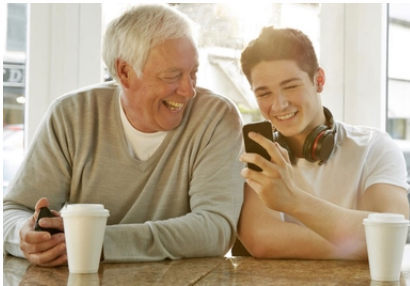
<b>Report Author</b>	Paul Nagle
<b>Email Address</b>	<a href="mailto:Paul.nagle@cityoflondon.gov.uk">Paul.nagle@cityoflondon.gov.uk</a>
<b>Telephone Number</b>	020 7332 1277

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# The vision

“We will create a **modern** working environment that **engages** people and supports **effective** outcomes”

Modern



Engaging



Effective



# The objectives

Objectives:	Modern	Engaging	Effective
<b>Working patterns to meet internal and external needs</b> <ul style="list-style-type: none"> <li>▪ Improved service delivery</li> <li>▪ The ability to work anywhere</li> <li>▪ Flexible, agile working</li> <li>▪ Improved physical and virtual collaboration and innovation</li> <li>▪ Fewer formal meetings</li> </ul>	✓	✓	✓
<b>Improved staff management focused on outputs</b> <ul style="list-style-type: none"> <li>▪ Supported staff, who know where to get effective help and guidance</li> <li>▪ Improved work life balance</li> </ul>	✓	✓	✓
<b>Enhanced working environment</b> <ul style="list-style-type: none"> <li>▪ Flexible working environments</li> <li>▪ Increased use of mobile technology</li> <li>▪ Having the correct equipment for the role</li> <li>▪ Co-location of related services</li> <li>▪ Best practice</li> </ul>	✓	✓	✓
<b>Attracting and retaining staff</b> <ul style="list-style-type: none"> <li>▪ Staff retention / lower sickness rates</li> <li>▪ Improved staff wellbeing</li> </ul>		✓	✓
<b>Make best use of our property assets</b> <ul style="list-style-type: none"> <li>▪ Rationalisation of operational property portfolio</li> <li>▪ Lower running costs / release funds</li> </ul>			✓
<b>Improve our environmental impact</b> <ul style="list-style-type: none"> <li>▪ Reduced carbon footprint</li> <li>▪ Reduced travelling</li> </ul>	✓		✓
<b>Improved business resilience</b>	✓		✓



<b>Committee</b>	<b>Date:</b>
<b>Establishment Committee</b>	16 September 2016
<b>Subject:</b> Comptroller and City Solicitor’s Departmental Business Plan 2016-2019 Progress report as at 30 June 2016	<b>Public</b>
<b>Report of:</b> Michael Cogher – Comptroller and City Solicitor	<b>For Information</b>
<b>Report author:</b> Nick Senior – Comptroller and City Solicitor’s Department	

## Summary

The purpose of this report is to provide a summary of progress toward achieving the strategic aims and objectives of the Comptroller and City Solicitor’s Departmental Business Plan 2016-2019.

Progress toward achieving the strategic aims and objectives are as follows:

- a) To manage resources effectively to provide efficient and high quality legal services.

It is anticipated that the department will remain within its local risk budget at the year-end including achieving Service Based Review savings of £169k and on this basis will deliver the overall total £377k SBR savings.

Following an external full assessment on 13-15 June 2016 the department was re-accredited with the Law Society’s LEXCEL quality assurance standard. The assessment identified a high level of compliance and many areas of excellent practice.

The department’s strategic risks are regularly reviewed and updated. The risk relating to the management of legal risk has been reduced from amber to green due to level of compliance with robust departmental risk management procedures.

- b) To tailor our services so as to meet the needs of, and add value to the transformation and modernisation agenda and be an exemplar of innovative good practice so as to combine “the best of the old with the best of the new”

The Information Management Project has progressed toward procuring and implementing a replacement legal case management system which it is anticipated will deliver smarter leaner processes, improved client information and communication and facilitate a significant shift to paper light working.

Lean system reviews have been undertaken, recommended process improvements agreed and the proposals are currently being implemented.

## Recommendation

Members are asked to note the report.

### Main Report

#### Background

1. The Establishment Committee approved the Business Plan on 19 April 2016 this report provides an update on the current status of and progress toward achieving the strategic aims and objectives of the Comptroller and City Solicitor's Departmental Business Plan 2016-2019.

#### Current Position

2. The improvement objectives are:
  - a) To manage resources effectively to provide efficient and quality legal services

A1. Achieve the Service Based Review (SBR) target.

The departmental SBR target for 2016/17 is £169k out of a total of £377k for the period 2014-2018. Due to the increased demand for legal support and advice it was not possible to achieve the allocated £49k saving in staffing costs and this saving was instead loaded into the external income target. The 2016/17 income projection at period 5 is forecast to meet the 2016/17 £169k target and the service will therefore meet the overall SBR target of £377k.

A2. Achieve re-accreditation to the Law Society re-structured LEXCEL standard version 6.

The service undertook a full assessment against the LEXCEL standard resulting in re-accreditation with a high level of compliance and with many areas of good practice identified.

- b) To tailor our services so as to meet the needs of, and add value to the transformation and modernisation agenda and be an exemplar of innovative good practice so as to "combine the best of the old with the best of the new"

B1. Complete a major information management project.

Significant progress has been made toward procuring and implementing a replacement legal case management and electronic records management systems, the project is on course to meet the target timescale.

It is anticipated that the systems will facilitate smarter leaner processes and will deliver improved client information and communication, excellent standards of records management and will facilitate paper light working.

B2. Undertake an in-depth review of our work processes in order to maximise efficiency.

Lean system reviews have been undertaken, recommended process improvements agreed and tabulated and the proposals are currently being implemented. An efficiency success evaluation will be undertaken.

### **Corporate & Strategic Implications**

3. The service provides effective legal advice and support to enable service departments to achieve specific corporate and strategic aims and to protect the City's interests. The Business Plan aligns to the City's key policy priorities as follows:-

KPP1 – Supporting and promoting the UK financial based services sector throughout the world for the benefit of the wider UK economy.

KPP2 – Improving the value for money of our services within the constraints of reduced resources.

4. The Departmental Performance Indicators (and current position) are listed in Appendix A.

### **Finance**

5. Based on the current income forecast the service will keep within its Local Risk budget at the year end.

### **Strategic Risk Management**

6. Strategic and Operational Risks are reviewed by the Department's Senior Management Team on a monthly basis. The latest strategic risk report is included in a separate report.
7. It should be noted that risk CCS003 Management of Legal Risk been reduced to green status.

### **Conclusion**

8. The department has made solid progress toward achieving the 2016/2017 business plan objectives.

### **Appendices**

- Appendix 1 – Comptroller & City Solicitor – Performance Indicators 2016/17

### **Nick Senior**

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Appendix 1

**Comptroller & City Solicitor - Performance Indicators (2016/2017)**

Ref	Performance Indicator	Target and progress for 2016/2017	Position at 30 June 2016
PI 1	Responses of chairmen of committee to the client care survey give a 'high overall service' rating	Target 98%	Achieved - 100% (December 2015) next survey December 2016
PI 2	Responses of departments to the client care survey give a 'high quality service' rating	Target 98%	Achieved – 99% (December 2015) next survey December 2016
PI 3	Responses of departments to the client care survey give a 'staff keep you well informed' rating	Target 93%	Achieved - 96% (December 2015) Next survey December 2016
PI 4	Justified complaints against total caseload	Target – maximum of 5 per annum	On target 0 complaints received
PI 5	Maintain LEXCEL accreditation	LEXCEL accreditation achieved	Accreditation achieved June 2016
PI 6	File reviews completed in a timely fashion	Target - 90% within one month	Achieved 85% 5% below target
PI 7	Inactivity on live files in 6 months	Target – Not more than 15%	Achieved 11% (at 1st qtr) 4% above target
PI 8	Inactivity on live files in 3 months	Target – Not more than 20%	Achieved 22% (at 1st qtr) 2% below target
PI 9	Individual chargeable hours target	Target 100%	On target for 100%
PI 10	Effectively managing short term sickness absence	Target – Below City short term average	Below target Q1 C&CS 0.92 days CoL average 0.71

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	<b>16 September 2016</b>
<b>Subject:</b> Comptroller and City Solicitor's Departmental Risk Management report	<b>Public</b>
<b>Report of:</b> Michael Cogher – Comptroller and City Solicitor	<b>For Information</b>
<b>Report author:</b> Nick Senior – Comptroller and City Solicitor's Department	

## Summary

The purpose of this report is to provide an update on the Comptroller and City Solicitor's departmental risks as at 30 August 2016.

## Recommendation(s)

The Committee is recommended to note the report.

## Main Report

### Background

1. The Audit and Risk Management Committee require departments to maintain a risk register using the Covalent risk management system and provide a quarterly risk management report to their respective committee.

### Current Position

2. The departmental risks are summarised in Appendix 1.
3. Strategic and operational risks are reviewed by the C&CS Senior Management Team on a monthly basis.
4. The Committee are requested to note that the risk rating for Risk CCS003 Managing Legal Risk has been reduced to the target risk rating of 4 on the basis that the risk management procedures in place were audited during the LEXCEL (Law Society quality standard) assessment in June 2016 and were found to be highly compliant with the standard required.

### Conclusion

5. The Establishment Committee is requested to approve this report.

## **Appendices**

- Appendix 1 – Comptroller and City Solicitor’s Departmental Risk Register

### **Nick Senior**

Business Manager, Comptroller and City Solicitor’s Department

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## Appendix 1

### Comptroller and City Solicitor – Departmental Strategic Risk Report

<b>Code</b>	CCS 001	<b>Title</b>	Recruitment and retention of experienced legal staff
<b>Description</b>	Cause - Private sector legal firms and other local authorities may offer more attractive remuneration packages Event - Loss of critical expertise and competence Effect - Delivery of legal advice and documentation delayed, loss of income, assets exposed to higher risks		
<b>Category</b>	Legal	<b>Approach</b>	Accept (the costs of mitigation outweigh the benefits)
<b>Risk Level</b>	Departmental	<b>Risk Owner</b>	Michael Cogher
<b>Strategic Aim</b>	SA2- To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.	<b>Key Policy Priority</b>	KPP2- Maintaining the quality of public services whilst reducing our expenditure and improving our efficiency
<b>Department</b>	Comptroller & City Solicitors	<b>Committee</b>	Establishment Committee
<b>Current Risk Assessment, Score &amp; Trend Comparison</b>			
<b>Likelihood</b>	Possible	<b>Target Risk Assessment &amp; Score</b>	
<b>Impact</b>	Serious	<b>Likelihood</b>	Unlikely
<b>Risk Score</b>	6	<b>Impact</b>	Serious
<b>Review Date</b>	09-Aug-2016	<b>Risk Score</b>	4
		<b>Target Date</b>	31-Mar-2017
<b>Latest Note</b>	A benchmark of salaries with market supplements, salary progression opportunities and flexible working arrangements across London local authorities indicates that CCS offers a competitive and attractive package.		

**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 001a	Monitor market conditions	Review workforce reports to monitor staff turnover	Michael Cogher	30-Sep-2016	100%	Benchmark of local authority salaries indicates that CoL salaries with the option of market supplements are competitive
CCS 001b	Review MFS	MFS will be reviewed by HR at the next corporate review.	Michael Cogher	01-Apr-2017	100%	Market Forces Supplement review now complete market supplements increased. CoL Market forces supplements considered sufficient to attract staff.
CCS 001c	Review Salary Competitiveness	Benchmark salary data against other local authorities to ensure salaries and market supplements are competitive	Nick Senior	31-Mar-2017	0%	Further review of CCS remuneration package commencing on 1 October 2016

<b>Code</b>	<b>CCS 002</b>	<b>Title</b>	<b>Loss of Information Assets</b>
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<b>Description</b>	Cause - Inadequate checking of content before despatch, lack of adequate supervision, failure to follow agreed procedures Event - Loss of personal data and/or COL hardware Effect - severe financial penalty, reputation damaged, breach of confidentiality
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<b>Category</b>	Financial	<b>Approach</b>	Reduce (By appropriate remedial action)
<b>Risk Level</b>	Departmental	<b>Risk Owner</b>	Michael Cogher

<b>Strategic Aim</b>	SA2- To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.	<b>Key Policy Priority</b>	KPP2- Maintaining quality of our public services whilst reducing our expenditure and improving our efficiency
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<b>Department</b>	Comptroller & City Solicitors	<b>Committee</b>	Establishment Committee
<b>Current Risk Assessment, Score &amp; Trend Comparison</b>		<b>Target Risk Assessment &amp; Score</b>	
<b>Likelihood</b>	Possible	<b>Likelihood</b>	Unlikely
<b>Impact</b>	Serious	<b>Impact</b>	Serious
<b>Risk Score</b>	6	<b>Risk Score</b>	4
<b>Review Date</b>	10-Aug-2016	<b>Target Date</b>	31-Mar-2017

<b>Latest Note</b>	DPA audits continue. A review of CCS hard copy data security is underway with the objective of improving the security of hard copy data.
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**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 002a	Carry out periodic DPA audits	Undertake periodic DPA audits to test compliance levels.	Michael Cogher	31-May-2016	100%	Further DPA audits undertaken with high levels of compliance.
CCS 002b	Undertake quarterly DPA audits	Quarterly DPA audits to be undertaken by CCS Information Team	Michael Cogher	31-Mar-2017	0%	Next DPA audit to be undertaken October 2016 with report on findings to CCS SMT and corrective action plan.

<b>Code</b>	CCS 003	<b>Title</b>	Managing Legal Risk
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<b>Description</b>	Cause - Lawyers not up to date with law, poor communication, lack of supervision, agreed procedures not followed, file reviews not completed Event - physical and intellectual property assets at risk, court hearings missed, high risk matters not reported, inadequate advice provided, cases not progressed in a timely fashion Effect - financial penalty, clients loss of confidence in the legal service, reputation		
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<b>Category</b>	Legal	<b>Approach</b>	Reduce (By appropriate remedial action)
<b>Risk Level</b>	Departmental	<b>Risk Owner</b>	Michael Cogher

<b>Strategic Aim</b>	SA2- To provide moder, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.	<b>Key Policy Priority</b>	KPP2- Maintaining quality of our public services whilst reducing our expenditure and improving our efficiency
<b>Department</b>	Comptroller & City Solicitors	<b>Committee</b>	Establishment Committee

<b>Current Risk Assessment, Score &amp; Trend Comparison</b>			
<b>Likelihood</b>	Unlikely		
<b>Impact</b>	Serious		
<b>Risk Score</b>	4		
<b>Review Date</b>	19-Aug-2016		

<b>Target Risk Assessment &amp; Score</b>			
<b>Likelihood</b>	Unlikely		
<b>Impact</b>	Serious		
<b>Risk Score</b>	4		
<b>Target Date</b>	31-Mar-2017		

<b>Latest Note</b>	Legal risk management procedures assessed as robust and compliant with the Law Society LEXCEL standard following the annual audit on 13 June 2016. Compliance with these procedures tested internally, likelihood reduced to unlikely on this basis.		
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**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 003a	Staff undertake regular risk reviews	Each matter is risk assessed on receipt and marked as high risk where appropriate	Michael Cogher	30-Sep-2016	100%	Risk data reviewed
CCS 003b	SMT reviews risk data quarterly	SMT reviews quarterly legal risk and performance data to ensure legal matters are progressed in a timely fashion	Michael Cogher	30-Sep-2016	100%	SMT quarterly review of high risk matters on-going
CCS 003c	DMT review monthly High Risk reports	SMT reviews high risk reports and agrees future strategy	Michael Cogher	30-Sep-2016	100%	SMT reviewed risks on 31/03/2016
CCS 003d	Review risk management procedures	Risk management procedures review and testing to ensure effectiveness and compliance	Michael Cogher	31-Mar-2017	25%	Procedures checked August 2016 and found to be robust and working effectively

<b>Code</b>	CCS 004	<b>Title</b>	Successful operation of Oracle OPN
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<b>Description</b>	<p><b>Cause</b> - Oracle OPN replaced the Manhattan commercial property management and rent system</p> <p><b>Event</b> - Continued operational difficulties caused by OPN</p> <p><b>Effect</b> - If the application does not function as planned there is a risk that commercial income will not be invoiced on the due dates resulting in increased arrears</p>
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<b>Category</b>	Financial	<b>Approach</b>	Transfer (To a third party or insurer)
<b>Risk Level</b>	Departmental	<b>Risk Owner</b>	Nick Senior

<b>Strategic Aim</b>	SA2- To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.	<b>Key Policy Priority</b>	KPP2- Maintaining quality of our public services whilst reducing our expenditure and improving our efficiency
<b>Department</b>	Comptroller & City Solicitors	<b>Committee</b>	Establishment Committee

<b>Current Risk Assessment, Score &amp; Trend Comparison</b>	
<b>Likelihood</b>	Unlikely
<b>Impact</b>	Major
<b>Risk Score</b>	8
<b>Review Date</b>	22-Aug-2016

<b>Target Risk Assessment &amp; Score</b>	
<b>Likelihood</b>	Unlikely
<b>Impact</b>	Serious
<b>Risk Score</b>	4
<b>Target Date</b>	31-Mar-2017

<b>Latest Note</b>	As the 2016 Q1 billing was generated successfully from OPN the likelihood status is now rare this will be further evaluated based on the system performance at Q2.
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**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 004a	Migrated data needs significant cleansing	Migrated data was poor in quality and impacted on accurate billing and reporting	Nick Senior	31-Mar-2016	100%	Some data was reprocessed to ensure that accurate OPN reports are published
CCS 004b	Adjust migrated accounts to ensure accurate billing	Certain billing information requires changing to ensure that accounts are billed in accordance with the legal agreements	Nick Senior	01-Oct-2015	100%	Pre-billing reports are checked to ensure accuracy of invoices.
CCS 004c	Document procedures to generate knowledge base	Very little documentation exists as user manuals. New documentation needs to be produced to act as a definitive user guide and single reference point	Nick Senior	31-Mar-2016	100%	First draft of documentation has been completed. Further information will be added as processes are developed.
CCS 004d	Assess system performance following Q2 rent billing	Continuing system performance assessment	Nick Senior	31-Oct-2016	0%	Concerns that system performance continues to create operational efficiencies.

<b>Code</b>	CCS 005	<b>Title</b>	Ability to access critical systems at disaster recovery site
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<b>Description</b>	Cause - critical system (KMX) was not available during last business continuity exercise Effect - key officers unable to identify current legal work and access key legal documents.		
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<b>Category</b>	Legal
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<b>Risk Level</b>	Departmental
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<b>Approach</b>	Transfer (To a third party or insurer)
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<b>Risk Owner</b>	Nick Senior
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<b>Strategic Aim</b>	SA2- To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.
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<b>Department</b>	Comptroller & City Solicitors
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<b>Key Policy Priority</b>	KPP2- Maintaining quality of our public services whilst reducing our expenditure and improving our efficiency
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<b>Committee</b>	Establishment Committee
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<b>Current Risk Assessment, Score &amp; Trend Comparison</b>	<p>6 ↔ No change</p>
<b>Likelihood</b>	Possible
<b>Impact</b>	Serious
<b>Risk Score</b>	6
<b>Review Date</b>	19-Aug-2016

<b>Target Risk Assessment &amp; Score</b>	<p>2</p>
<b>Likelihood</b>	Rare
<b>Impact</b>	Serious
<b>Risk Score</b>	2
<b>Target Date</b>	31-Mar-2017

<b>Latest Note</b>	2016 Business Continuity test date in November 2016. Access to ICT systems from mobile devices of increasing significance and use to be further extended to further mitigate this risk.
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**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 005a	BCP - access to critical systems test	IS Division to test access to critical systems at business continuity exercises	Nick Senior	30-Nov-2016	0%	Next BCP test to be undertaken in November 2016.

<b>Code</b>	CCS 006	<b>Title</b>	Access to fully functioning office environment in the event of displacement
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<b>Description</b>	Cause - Disaster resulting in inability to use the North Block Event - immediate inability to continue to use the North Block as offices Effect - legal work would not be progressed or completed, delays for clients and delivery of projects and other services
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<b>Category</b>	Legal	<b>Approach</b>	Transfer (To a third party or insurer)
<b>Risk Level</b>	Departmental	<b>Risk Owner</b>	Nick Senior

<b>Strategic Aim</b>	SA2- To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.	<b>Key Policy Priority</b>	KPP2- Maintaining quality of our public services whilst reducing our expenditure and improving our efficiency
<b>Department</b>	Comptroller & City Solicitors	<b>Committee</b>	Establishment Committee

<b>Current Risk Assessment, Score &amp; Trend Comparison</b>	<p>6 ↔ No change</p>
<b>Likelihood</b>	Possible
<b>Impact</b>	Serious
<b>Risk Score</b>	6

<b>Target Risk Assessment &amp; Score</b>	<p>2</p>
<b>Likelihood</b>	Unlikely
<b>Impact</b>	Minor
<b>Risk Score</b>	2

<b>Review Date</b>	22-Aug-2016	<b>Target Date</b>	31-Mar-2017
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<b>Latest Note</b>	Details of ICT/Office facilities and 2016 business continuity arrangements and testing required. Access to hard copy files critical to service delivery hence the major impact rating.
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**Actions related to this risk:**

Ref No:	Title	Action Description	Action Owner	Due Date	Progress	Latest Note
CCS 006a	Office space if North wing vacated	The CCS requires allocated office accommodation if the North Wing were not accessible for more than two working days	Michael Cogher	31-Mar-2017	0%	The current BCP is limited to short-term accommodation. CCS has been allocated 4 workstations at the London Metropolitan Archive. Longer-term arrangements for office accommodation are unclear, clarification required via corporate business continuity planning process.

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<b>Committee(s):</b>	<b>Date(s):</b>
Establishment Committee	16 September 2016
<b>Subject:</b> Revenue Outturn 2015/16	<b>Public</b>
<b>Report of:</b> The Town Clerk, the Chamberlain, the Comptroller and City Solicitor	<b>For Information</b>
<b>Report Author:</b> Ray Green, Chamberlain's Department	

## Summary

This report compares the revenue outturn for the services overseen by your Committee in 2015/16 with the final budget for the year. Overall total net expenditure during the year was £10.934m, whereas the budget was £11.699m, representing an underspend of £765,000 as summarised below.

	<b>Final Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variations Worse/(Better) £000</b>
<b>Chief Officer</b>			
The Town Clerk	7,218	7,013	(205)
The Comptroller and City Solicitor	2,932	2,438	(494)
<b>Total Chief Officer</b>	10,150	9,451	(699)
<b>Support Services</b>	1,549	1,483	(66)
<b>Net Expenditure</b>	11,699	10,934	(765)

The better than budget position mainly relates to lower than anticipated expenditure on employees and communications and computing, together with additional income (further details can be found in paragraphs 2 and 3 of the main report).

The Town Clerk proposed to carry forward £197,000 of his £205,000 underspend and the Comptroller and City Solicitor proposed to carry forward £165,000 of his £494,000 underspend. These proposals have been agreed by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee and have been added to budgets for 2016/17.

## Recommendations

It is recommended that this revenue outturn report for 2015/16 and the budgets carried forward to 2016/17 are noted.

## **Main Report**

### **Revenue Outturn for 2015/16**

1. As indicated in the table in the summary, actual net expenditure for your Committee's services during 2015/16 totalled £10.934m compared to a budget of £11.699m, an underspend of £765,000.

#### *Town Clerk - £205,000 reduced requirement*

2. Expenditure on employees was £108,000 lower than anticipated, due to vacancies within Corporate HR and Policy and Democratic Services. Most of these vacancies have been held open anticipating reductions required by the Service Based Review savings programme. In addition, there was reduced expenditure of £97,000 on a number of operational expenditure budgets, principally professional fees and services related to a series of projects including consultancy costs for HR that have been deferred into the 2016/17 financial year. Of the total reduced requirement, £197,000 has been approved to be carried forward (see Appendix 1) in accordance with agreed processes, including consultation with relevant Chairmen.

#### *Comptroller and City Solicitor - £494,000 reduced requirement*

3. The reduced requirement was due to:
  - the level of income received from fee earning property work was £300,000 above budget;
  - there were reduced requirements of £180,000 in relation to various operational expenditure budgets, principally communications and computing costs of which £130,000 has been deferred into the 2016/17 financial year. This £130,000 has been approved for carry forward together with £35,000 for a trainee solicitor post (see Appendix 1); and
  - a reduction in employee costs of £14,000 as a result of higher than anticipated vacancies.

### **Carry Forwards to 2016/17**

4. In relation to their cash limited budgets, Chief Officers can request up to 10% of the total underspend or £500,000 (whichever is the lesser) to be carried forward provided the underspending is not fortuitous and the resources are required for a planned purpose. Such requests are considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.
5. Overspendings are carried forward in full to be met from agreed 2016/17 budgets. However, there are no such overspends in relation to the services overseen by the Establishment Committee.

6. The Town Clerk and the Comptroller and City Solicitor proposed to carry forward £197,000 and £165,000 of their respective underspends. Details of the use of the carry forwards are set out in Appendix 1.
7. These proposals have been agreed and the 2016/17 budgets increased accordingly.

Peter Kane  
Chamberlain

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Town Clerk

Michael Cogher  
Comptroller & City Solicitor

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## APPENDIX 1

<b>Approved carry forwards</b>	<b>£000</b>
<u>The Town Clerk</u>	
Funding for consultancy services to provide a full review of the current HR service. This has been delayed by the legal process.	90
Funding for the development of Modules within City People that form part of the agreed SBR savings planned for 2017-18. The project has been delayed due to problems rolling out internet explorer IE11.	34
Funding for 'Learning Pool' the City's Learning Management System which has been delayed due to the absence of a key member of staff.	60
Funding for the enhancement of Learning and Development facilities in the Corporate Training room which has been delayed due to technical issues around the use of IT equipment.	13
<b>Total Town Clerk</b>	<b>197</b>
<u>The Comptroller and City Solicitor</u>	
The Department has an objective in its 2016/19 Business Plan to 'Complete a major Information Management Project'. On the 4 February 2016, the Corporate Projects Board approved a proposal to implement a replacement information management system.	130
A fixed term trainee Solicitor post.	35
<b>Total Comptroller and City Solicitor</b>	<b>165</b>

<b>Committee:</b> Establishment Committee	<b>Date:</b> 16 <sup>th</sup> September 2016
<b>Subject:</b> Staff Appeal Committee	<b>Public</b>
<b>Report of:</b> Joint report of the Comptroller and City Solicitor, the Director of Human Resources and the City Surveyor	<b>For Decision</b>

## Summary

This report explains the current practices of the Staff Appeal Committee in relation to the notification of their decisions as requested by the Committee at its last meeting.

### 1. Recommendations

That the Committee consider the report and the suggested options and give such instructions to Officers and the Staff Appeal Committee as it considers appropriate.

### 2. The Staff Appeals Committee

The Establishment Committee's terms of reference include responsibility for the grievance, disciplinary, capability and appeal procedures for employees (and for making recommendations to Court in relation to the disciplinary process for statutory chief officers).

The Staff Appeal Committee, which comprises one member of the Establishment Committee as chairman, a chief officer and a deputy chief officer, is created by the Disciplinary and Appeals Procedures. It is a hybrid body, comprising as it does a member and officers, and not a committee in the technical local government sense. It is not therefore a sub-committee of the Establishment Committee.

All appeals against dismissal for posts graded I and J are heard by the Appeals Committee with those below Grade I having the option of an appeal to the Committee or a Chief Officer.

In simple terms the process involves both sides, the employee and management, submitting their case (grounds of appeal and management case) and supporting documents in advance of the hearing which is conducted on conventional lines i.e. presentation of case, calling of witnesses, questions by other party and summing up with the appellant going first.

As staffing matters are confidential appeal hearings are conducted in private (as the Committee is not a local government committee the access to information provisions of the Local Government Act 1972 are not engaged) and correspondence is limited to the parties, and where necessary the Establishment Committee.

### 3. Current Communication of Decisions

Decisions of the Staff Appeal Committee are communicated to the parties i.e. the management side and the member of staff orally and then followed up with a detailed

decision letter or alternatively, simply by a detailed decision letter where the Committee considers that to be appropriate. Decisions letters set out the detailed reasoning for the decision including appropriate findings of facts but they do not currently include a general summary of the facts or the cases presented by both parties. This is because they are intended for the parties to the proceedings only who are familiar with the opposing cases and expect to be able to get to the decision and the reasons for it quickly and easily.

However this approach means that non-participating members of the Establishment Committee cannot necessarily get a complete picture of the case from the decision letter alone, particularly in complex cases.

This has now become an issue because the Establishment Committee has in recent times asked for Staff Appeal Committee minutes and decision letters to be reported to it for information in order to ensure that elected members who may be called upon to chair the Staff Appeals Committee are familiar with its work etc. In this context therefore the decision letters and minutes are not designed to fulfil this secondary role that they are now being applied to.

#### **4. Options for Change**

Officers consider that there are two principal options for change, both of which would include the pairing down of the Staff Appeal Committee minutes to simply deal with the parties present, time the meeting was open and closed, brief description of the matter to be determined and the decision taken.

##### **Option 1 – Including a “Case Summary” in the Decision Letter**

Under this option the decision letter would be expanded to include a summary of the facts in dispute and both sides’ cases and would enable members to understand the background and facts and matters in dispute together with the decision and the reasons for it. The advantage of this approach is that there would be a single document which tells the whole story.

The disadvantages of this approach are firstly that it will lengthen the decision letter for the parties who are familiar with the facts in issue and who simply want to get straight to the decision and the reasons for it and secondly the summary will require careful drafting, and therefore more time and professional advice, in order to ensure that there can be no suggestion that the Committee has ignored relevant considerations in its summary of the facts in dispute. Nor, if simply reported to Establishment Committee in that form, will it be as effective a learning tool.

##### **5. Option 2 – A Free Standing Report to Establishment Committee**

Under this option Establishment Committee would receive a bespoke report on the case and its outcome, which would include any lessons to be learned by the Corporation to improve practices and procedures and to avoid pitfalls in the future. The parties would continue to receive a decision letter as now. The advantage of this approach is that it will be a more effective learning tool for the organisation and enable members to develop a shared understanding of approach by facilitating debate. It could also be used to drive any required improvement in management practices in Departments. It can also serve as an on-going case based review process for the Corporations engaged HR procedures.

It also avoids the disadvantages of Option 1 in allowing a tailored approach to informing members and participants who have different interests and responsibilities and it can tackle head on any difficulties encountered on a confidential and privileged basis..

The disadvantage of this approach is that in order to be effective it is likely to require more officer time to ensure that the exercise is a worthwhile one.

Where appropriate legal advice is being given in order to avoid or mitigate tribunal claims then legal professional privilege and/or litigation privilege will afford appropriate protection from disclosure in proceedings.

## **6. Conclusion**

The current approach has evolved over time and involves documents prepared for one purpose being used for another with mixed results. Members are invited to consider how they wish to be informed as to the operation of the Staff Appeal Committee in future.

Michael Cogher  
Comptroller & City Solicitor  
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<b>Committee:</b> Establishment Committee	<b>Date:</b> 16 <sup>th</sup> September 2016
<b>Subject:</b> Corporation's Disciplinary Procedure	<b>Public</b>
<b>Report of:</b> Joint report of the Comptroller and City Solicitor, the Director of Human Resources	<b>For Decision</b>

## Summary

At its last meeting some members of the Committee sought reassurance that the Corporation's Disciplinary Procedure was fit for purpose. This report seeks to provide that reassurance.

### 1. Recommendations

Members consider the report and give such instructions to officers as they consider appropriate.

### 2. The Legal Context

The relationship between employer and employee is essentially a contractual one upon which a range of statutory rights and duties have been superimposed. At common law an employer may dismiss an employee by giving the requisite notice and without the need for adequate reasons. However, a failure to give adequate notice gives rise to a claim for wrongful dismissal.

Since 1971 qualifying employees have, over and above their contractual rights, the right not to be unfairly dismissed. This right is currently enshrined in the Employment Rights Act 1996 ("ERA") and in order to qualify employees need to have two years continuous employment with their employer.

In simple terms, an employer who dismisses an employee without good reason and/or without following a fair procedure lays itself open to a claim for unfair dismissal in the Employment Tribunal. When such a claim is brought the employer bears the burden of proof to establish the reason for the dismissal (see below). The Tribunal will then decide whether the dismissal was fair in all the circumstances i.e. whether the reason for the dismissal and the process followed was fair in all the circumstances. If the dismissal is held to be unfair the employer can be ordered to re-engage, reinstate or pay compensation to the claimant. An employer may refuse to re-engage/reinstate but must pay increased compensation if it does so.

In order for a dismissal to be fair, it must fall into one of the categories of potentially fair dismissals set out in the ERA. The potentially acceptable reasons are:-

- (a) Reasons related to capability or qualifications of the employee
- (b) Reasons related to the conduct of the employee
- (c) That the employee was redundant

- (d) That it would be unlawful for the employee to continue to work in that position
- (e) Some other substantial reason such as to justify dismissal

Dismissal for a reason other than the above will be unfair and there are a number of dismissals which are deemed to be automatically unfair e.g. those due to union membership, for asserting statutory rights, and pregnancy.

The Tribunal will determine not only whether the employer had reasonable grounds for dismissing the employee but also whether it adopted a fair procedure in dismissing him. The Tribunal cannot substitute its view for that of the employer but instead must decide whether the decision to dismiss is in the range of reasonable responses an employer might make in the circumstances. This test includes the procedure followed. Whether or not a procedural error is sufficient to undermine the fairness of a dismissal is a question for the Tribunal. Not every procedural error will do so and the fairness of the procedure as a whole should be looked at alongside the other relevant factors.

Disciplinary proceedings are largely concerned with the conduct or misconduct of employees. Capability and grievance issues are dealt with under different procedures although serious incapability can become a disciplinary issue e.g. negligence in the performance of duties or a failure to follow reasonable instructions.

### **3. The ACAS Code of Practice**

ACAS (Advisory Conciliation and Arbitration Service) has the power to issue Codes of Practice to give practical guidance for the promoting the improvement of industrial relations. Code of Practice No 1 deals with disciplinary and grievance procedures ("Code of Practice on Disciplinary and Grievance Procedures" (March 2015) available at [www.acas.org.uk](http://www.acas.org.uk)). Breach of the Code does not itself render a person liable to proceedings. However, Tribunals take into account the Code and "a failure to follow a procedure prescribed in the Code may lead to the conclusion that a dismissal was unfair, which, if that procedure had been followed would have been held to have been fair".

Furthermore, where a Tribunal is satisfied that there was an unreasonable failure to comply with the Code by either the employer or the employee it can increase or decrease any compensation awarded by up to 25%

At the heart of the Code is the requirement for fair and transparent procedures, central to which are the following principles:-

- Employers and employees should raise and deal with issues promptly and without unreasonable delay and act consistently.
- Employers should carry out any necessary investigations to establish facts.
- Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before decisions are made.

- Employers should allow employees to be accompanied at formal disciplinary and grievance meetings.
- Employers should allow an employee to appeal against any formal decision.

These principles, and the specific guidance set out in the Code are incorporated into the Corporation's Disciplinary Procedure. Thus a failure to follow the Code and the Disciplinary Procedure can result in a potentially unfair dismissal.

#### **4. The Disciplinary Procedure**

A copy of the Disciplinary Procedure is attached at Appendix 1 it was formally reviewed and approved by the Establishment Committee on **(1 February 2015)** and has been further reviewed by the Comptroller and City Solicitor and the Director of Human Resources for the purposes of this report.

It should also be noted that that the Disciplinary Procedure is in day to day use by managers, HR professionals and lawyers, and its application subject to scrutiny by employees who are the subject of disciplinary action, together with their trade union and legal advisers where engaged. It is also regularly tested in the crucible of Employment Tribunal proceedings.

It will be seen that the Corporation's Disciplinary Procedure contains all the necessary elements from the ACAS code, including an initial informal approach where appropriate, a fact finding/investigation stage including meeting with the employee as part of the investigation, a separate disciplinary meeting with full disclosure of the management case in advance, an independent appeal process and allowing the employee to be accompanied by a trade union representative or colleague at the key stages.

The disciplinary hearing itself follows a conventional procedure – management present their case and call any witnesses, the employee has the opportunity to ask questions of management and their witnesses, the employee presents their case and calls any witnesses, management has the opportunity to ask questions of the employee and their witnesses, finally first management then the employee sums up and the hearing officer considers their decision in private. Appeal hearings follow a similar pattern, but with the employee going first and summing up last.

The disciplinary and appeal hearings are not courts and strict procedural rules and rules of evidence do not apply. The overriding aim is to enable both sides to have a fair and equal, but proportionate, opportunity to state their case.

The Corporation's Disciplinary Procedure therefore complies with the ACAS Code.

#### **5. Practical Considerations**

It should be remembered that applying the Disciplinary Procedure in practice can be demanding in terms of the time, expertise and resilience required from the managers involved and their advisers. Cases which cannot, in ACAS parlance, be resolved

informally, with “a quiet word” can often escalate into confrontation, particularly where dismissal is a likely outcome and the employee is seeking to defend their livelihood and career. Counter-allegations such as whistleblowing and discrimination, which must be taken seriously, are a frequent response to disciplinary proceedings and this can make employment disputes very personal, with jobs, reputations and careers potentially at stake, to all the participants and this can affect judgment and personal relationships in a way that other work matters do not.

At the same time, such cases are not so common that all managers can be expected to have significant skill and experience in dealing with them and therefore managers need to rely on extensive support from HR professionals and lawyers. For example, some managers have professional backgrounds which better equip them to investigate and present a case to a tribunal or determine such a case than others, for whom the experience and required skills can be entirely novel.

Challenges therefore tend to centre on ensuring that each step of the procedure is properly, thoroughly and objectively, yet proportionately, undertaken. For example, a common problem is a badly behaved employee which management have failed to deal with over a period who commits an act that becomes “the straw that breaks the camel’s back”. This can result in what may be, on the isolated facts, an over-reaction by management which cannot be justified in terms of the Disciplinary Procedure.

Thus it is vital not only to have and follow a disciplinary procedure which is compliant with the ACAS Code, but also to have effective and timely HR and legal support for managers.

## **6. The Corporation’s Employment Tribunal Record.**

Since 2010 the Corporation has had no substantive challenges to the Disciplinary Process itself although there have been various challenges to the application of the process in particular cases. In only two cases has a Tribunal found unfair dismissal against the Corporation and these were both minor failings (one involved delay in invoking the procedure and the other a failure to give the employee the management case the required period before the disciplinary hearing). A third case was settled on the merits due to a number of defects how the case was handled and the decision itself.

Employment Tribunal cases and settlements are regularly reported to the Committee.

## **7. Conclusion**

Given the above, the Comptroller and City Solicitor and the Director of Human Resources are of the opinion that the Disciplinary Procedure and the HR and legal advice and support network which under pins it are appropriate, fit for purpose and compliant with the Acas Code. However, officers need to continue to ensure that lessons are learned from individual cases and the day to day challenge of ensuring that the Procedure is properly, fairly and consistently managed in individual cases is met.

## **Appendices**

1. Appendix 1 – Disciplinary Procedure
2. Appendix 2 – Disciplinary Hearing Format
3. Appendix 3 – Appeal Hearing Format

Michael Cogher  
Comptroller & City Solicitor

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## Disciplinary Procedure

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## Introduction

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1. The City of London Corporation expects the conduct and integrity of employees to be of the highest standard. The Director of Human Resources will be responsible for the interpretation, advice and management of this procedure on behalf of the City Corporation.
2. The objectives of this procedure are to:
  - Help employees whose conduct give cause for dissatisfaction, to improve to the required standard.
  - Clarify how matters requiring formal action (including gross misconduct) will be dealt with by an appropriate level of management as defined in the Managing People Policy.
  - Ensure that employees are treated fairly and consistently.
3. In the interests of natural justice, fairness and prompt resolution to work place issues, all employees are required to cooperate with the disciplinary process including investigations and attending meetings etc in a timely fashion. All employees must appear in person when requested to do so and answer questions asked of them by the Investigating/Hearing Officer. All employees including those under investigation or interviewed as witnesses must maintain confidentiality about matters being considered under the Disciplinary Procedure. Issues of capability will normally be dealt with through the Capability Procedure.

## Scope

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4. This procedure applies to all employees of the City Corporation who have completed their probationary period, except for Chief Officers, Teachers and Police Officers for whom separate procedures apply. This procedure does not apply to agency workers, consultants or other workers providing services to the City Corporation.

## Informal approach

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5. In the normal course of day-to-day work and supervision, employees will be made aware of minor shortcomings in conduct and encouraged to improve. For more serious matters or where the necessary improvement is not achieved and sustained the concern can be confirmed in writing outlining the standard required and/or improvement sought and if there is not a sustained improvement or there is a repetition then the matter will progress to the formal Disciplinary Procedure.
6. When an issue of concern or incident comes to light, before using the formal Disciplinary Procedure, a swift initial fact-finding investigation will take place to determine whether the matter in question warrants a formal investigation. Upon



completion it may be considered appropriate to deal with the matter informally as outlined above as an alternative to formal action.

7. Any informal approach can be taken into account when deciding whether to commence the formal Disciplinary Procedure but will not normally be taken into account when deciding on any subsequent formal disciplinary penalty.

## **Formal procedure**

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### **Formal investigation**

8. Before any formal disciplinary action is taken, a formal investigation will take place. An officer will be appointed as the Investigating Officer by the Commissioning Manager. The Investigating Officer will usually be a manager from the service area or in some circumstances an officer from another service area or an independent appropriately qualified person. The Investigating Officer may be supported by a Human Resources representative. In the case of possible fraud theft corruption or bribery the Head of Internal Audit will also be informed.
9. Depending on the nature of the case an investigation is likely to involve interviewing the employee, potential witnesses and gathering documentary evidence. The employee and each witness will be provided with a record of their interview. The record will usually be a note of key points and not a verbatim record of the meeting. In some exceptional circumstances, it may be considered appropriate to record disciplinary interviews or hearings and in such circumstances the employee will be advised of the reason for doing so and will be provided with a copy of the recording and the transcript where one is produced. Employee and/or their representatives may take their own notes of meetings but cannot record any meetings or hearings using electronic devices e.g. mobile phones.
10. Where a grievance is raised during the course of a disciplinary procedure, in some circumstances it may be appropriate to suspend the formal disciplinary action in order to deal with the grievance. In other circumstances where they are related it may be appropriate to deal with the matters concurrently as one investigation but with clear outcomes under each procedure. The Director of Human Resources will determine the appropriate way forward if this arises.

### **Right to representation during the formal stages**

11. The employee under investigation has the right to be accompanied by a trade union representative or a co-worker of their choice during all stages of the formal process. In exceptional circumstances the Investigating Officer/Hearing Officer in consultation with Human Resources may be prepared to consider an external representative who

is not legally qualified. The employee will need to submit any such request giving full reasons why an exception should be made to the Investigating Officer/Hearing Officer whose decision, in consultation with Human Resources will be final.

12. If the employee is an accredited trade union representative (shop steward), with the employee's permission, the Investigating Officer will discuss the matter with a paid official of the union at an early stage and before any formal proceedings commence.

### **Postponements and non-attendance at formal disciplinary investigations and meetings**

13. A meeting may be re-arranged if the employee fails to attend through circumstances outside their control, such as illness. Thereafter and depending on the circumstances where an employee continues to be unavailable to attend a meeting or fails to make contact, the employee may be advised that the investigation will be concluded based on the evidence available. Alternatives such as telephone interviews and Skype may be considered where agreed between parties. In appropriate cases the Occupational Health Adviser may be consulted about an employee's fitness to attend a meeting or hearing.

### **Precautionary Suspension**

14. At any stage before the investigation has begun, or whilst it is being carried out, the employee may be suspended from attending work by a senior manager if it is considered necessary or expedient to enable investigations to be made, or if it is considered inappropriate for the employee to continue at work during the investigation. The suspension is a precautionary act and not a disciplinary sanction in itself and will be kept under review. In the absence of an officer who is senior enough to authorise a suspension an employee can be sent home by a more junior manager pending a formal suspension from duty.
15. Generally an employee is suspended only in more serious cases and will continue to receive normal pay only. Excluded from normal pay are; non- contractual overtime payments, reimbursement of expenses, and abnormal or occasional payments.
16. In exceptional circumstances such as serious allegations of fraud or theft or in circumstances where the employee has breached the terms of their suspension or has otherwise hampered the investigation, suspension may be on nil or reduced pay as determined by the Director of Human Resources.

## **Outcome of the investigation**

17. At the end of the formal investigation the Investigating Officer will prepare a management report with their findings and make recommendations to the Commissioning Manager including:

- whether there is a case to be answered;
- clarifying what any specific allegations are;
- whether the matter can be dealt with informally or if formal action is warranted;
- an indication of the possible range of penalties if the allegations are upheld at a formal Disciplinary Hearing in order to determine the level of management required to deal with the case.

18. The employee will be advised of the outcome of the investigation. The investigation may indicate:

- there is no case to be answered or
- there are no grounds for formal disciplinary action and, if they have been suspended, the employee will return to work or
- there is a case to be answered but the Commissioning Manager may consider that the matter can be dealt with informally as outlined in paragraph 4 above or
- there are grounds for taking formal action

## **Accepting a disciplinary penalty without a hearing**

19. Where the decision is that there are grounds for taking formal action or at the point when the employee has received the full management report, if the employee accepts the allegations made against them, they may request that the Commissioning Manager reviews the case on paper and indicates the likely penalty and any standard setting. The employee may agree to accept the penalty, which will be confirmed in writing without the need for a formal hearing or recourse to an appeal against the decision. In all other circumstances a hearing will be arranged. Where the outcome may result in dismissal, this will always necessitate a formal hearing to consider the case in full.

## **The Disciplinary Hearing**

20. The Commissioning Manager will appoint a Hearing Officer or may hear the case in person advised by a Human Resources representative. In some circumstances it may be necessary to have a specialist professional technical adviser present to provide advice to the Hearing Officer on complex technical matters but only in an advisory

capacity. The Investigating Officer will present the disciplinary case on behalf of management.

## **Notification of the hearing**

21. The employee will be given written notice of the Disciplinary Hearing, the date, time and venue, giving not less than 7 working days' notice to prepare. However the employee may agree to a shorter period of notice. The notification will include:

- The alleged misconduct and the possible outcome;
- A copy of the management report and any supporting documents including statements which have been taken during the course of the investigation; the names of witnesses attending the hearing and the right to be accompanied.
- The name and job title of the Hearing Officer

The employee may offer a reasonable alternative time within five days of the original date of the Disciplinary Hearing if their chosen companion is unable to attend.

22. Employees must submit any documentation or names of witnesses they wish to call and the name of their companion at least 3 working days before the date of the Disciplinary Hearing. It is the employee's responsibility to arrange for any witnesses to attend who have not been interviewed by the Investigating Officer or to request the attendance of any additional witnesses who have been interviewed by the Investigating Officer.

23. The arrangements to be adopted at a formal Disciplinary Hearing are outlined in Appendix 1.

## **Determining the outcome**

24. The purpose of the Disciplinary Hearing is to ensure that the Hearing Officer as the decision maker is satisfied that they have allowed the employee to respond to the allegations; considered the evidence and case put by both sides; and if necessary called for additional information. The Hearing Officer will weigh up all of the evidence and decide on the balance of probability whether the allegations are upheld in full, partially or not at all.

25. The penalty imposed will depend on the seriousness of the case, known mitigating factors, and relevant employment history (the employee's disciplinary record including current warnings, general work record, work experience, position and length of service). In the case of a serious offence, an employee may be given a final written warning even if it is a first offence. Similarly an employee may be dismissed for gross misconduct even if it is a first offence.

26. Disciplinary decisions will not be based on an expired warning but where a pattern emerges, the fact that there is an expired warning may explain why a lesser sanction was not given. In the case of gross misconduct, an employee will usually be dismissed without notice. A non-exhaustive list of examples of conduct which are regarded as gross misconduct is provided at paragraph 29 of this procedure. Should the offence involve financial irregularities then the City Corporation will aim to recover assets and take appropriate action including notifying the police.
27. The outcome of the Disciplinary Hearing will either be notified at the end of the hearing or if adjourned, will follow in writing as soon as practicable usually within 5 working days of the Disciplinary Hearing. Where there is no case to be answered this will also be confirmed in writing.

### **Penalties and other sanctions**

28. If the case is proven on the balance of probabilities, then one or more of the following penalties may be imposed:
- A written warning
  - A final written warning
  - Dismissal with notice
  - Dismissal without notice
29. Further penalties which could be imposed in conjunction with, or as an alternative to any form of warning include:
- Withholding an increment
  - Suspension for up to 10 working days without pay
  - Demotion or redeployment where an alternative position is available
  - Specified training or re-training

### **Examples of Gross Misconduct**

30. The following non-exclusive list provides examples of offences which are generally regarded as gross misconduct:
- theft, fraud, deliberate falsification of records, corruption or bribery
  - fighting, serious abuse towards or assault on another person
  - deliberate damage to property
  - serious incapability through alcohol or being under the influence of drugs
  - serious negligence or dereliction of duty which risks or causes unacceptable loss, damage or injury
  - a serious act of insubordination
  - unlawful discrimination or harassment of a fellow co-worker or customer

- misuse of information technology, computers and other electronic devices provided for or used for work purposes
- serious contravention of statutory regulations, including those relating to health and safety, that would render the City Corporation or its employees liable to legal action or bring the City Corporation into disrepute
- a breach or omission relating to safeguarding of a pupil, client or young or vulnerable person
- serious breach of confidentiality
- offences or actions within or outside the City Corporation employment which by their nature either:
  - a. prevent the employee from continuing to do the job for which they were employed; or
  - b. seriously call into question the employee's fitness to continue in the job which s/he was employed to do; or
  - c. have or could have a damaging effect on the reputation and integrity of the City Corporation or its partners; or
  - d. considered to be a wilful breach of the trust and confidence that is implicit between the employer, employee and work colleagues.

### **Time limits for warnings**

31. All formal written warnings will usually be effective for a specified period, which will be communicated at the time the decision is taken. Generally, final warnings will be effective for 12 months and other warnings for 6 months from the date of the disciplinary decision. They could be longer in certain circumstances. If there is no further misconduct in this period, warnings will usually be disregarded for disciplinary purposes.
32. There may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse of the disciplinary process, the employee's disciplinary record should be borne in mind in deciding how long any warning should last.
33. Exceptionally, there may be circumstances where the misconduct is so serious that it cannot realistically be disregarded for future disciplinary purposes. In such circumstances it will be noted in the disciplinary decision.

## Right to appeal

34. Appeals must be made in writing within 5 working days of receipt of the original decision. Appeals must specify the grounds of appeal and may relate to the severity of the sanction, application of the procedure, new evidence which was not previously available or any other reason which must be specified. Appeals against disciplinary warnings must be made to the relevant Director. Appeals against dismissal must be made to the Director of Human Resources. A manager will be appointed as the Appeal Officer to hear the Appeal.
35. In the case of appeals against dismissal for employees at Grade I and J the appeal will be heard by the Staff Appeal Committee. For employees up to grade H they may opt to have an independent Level One officer or a hearing before the Appeal Committee in accordance with the Managing People Policy. All Appeal Hearings will be supported by a Human Resources representative.
36. The employee may request that their appeal is a review of the paperwork only, without the attendance of either party at a hearing. In these circumstances if the Director is agreeable to such an approach, the Disciplinary Hearing Officer will be asked to submit the appeal pack as outlined in paragraph 37. The Appeal Officer supported by a Human Resources representative may seek the advice of a technical specialist however this is in an advisory capacity only. The appeal decision will be final and confirmed in writing. In all other cases an Appeal Hearing as outlined in Appendix B will be arranged.
37. On receipt of an appeal the Disciplinary Hearing Officer will be required to make a written response to the appeal within 10 working days of receipt of the appeal and this will be shared with the employee. The Disciplinary Hearing Officer will be responsible for producing an appeal pack which will include the original disciplinary documentation; record of the Disciplinary Hearing; the decision letter; the appeal submission and the Disciplinary Hearing Officer's response to the appeal.
38. Appeals will normally be heard within 15 working days of the appeal being received. Appeal Hearings will normally be a review of the disciplinary decision and consideration of the specific grounds of appeal. It is not usual to have new evidence or witnesses present from either side, apart from the Investigating Officer. Any request for new evidence or witness attendance must be made at the time of making the appeal to the Director/ Director of Human Resources for consideration explaining why the new evidence or witness evidence was not provided at the time the original decision was made and how the evidence is material. The Director's/ Director of Human Resource's decision will be final and the employee will need to provide any agreed additional documentation no more than 5 working days after this decision.

## List of appendices

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Appendix 1 – Disciplinary Hearing Format

Appendix 2 – Appeal Hearing Format

## Links / Other resources

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- [Managing People Policy](#)
- [Employee Assistance Programme](#)
- ACAS Code of Practice 1 - Disciplinary and Grievance Procedures



# Appendix 2

## Disciplinary Hearing format

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1. The Disciplinary Hearing Officer will introduce those present and their roles, state the purpose and format of the Hearing, and check all parties have the same documentation.
2. The Disciplinary Hearing Officer will outline the allegation/s and ask the employee concerned whether they admit or deny the allegation/s. At the hearing the representative may put the employee's case, sum up the employee's case and respond on the employee's behalf to any view expressed at the hearing. However the employee must respond to questions asked of them.
3. If the employee admits the allegation/s, the purpose of the hearing will be for the Disciplinary Hearing Officer to determine whether or not there are any mitigating factors in the employee's favour, and to consider the appropriate penalty. However the Disciplinary Hearing Officer may decide that a full hearing is still required to properly decide the matter and what, if any, penalty should apply.
4. If the employee denies the allegations, the meeting must take the form of a full hearing of the evidence.
5. The Investigating Officer will present the management case including calling witnesses.
6. The employee or their representative may question the Investigating Officer and witnesses following the conclusion of the management case.
7. The Disciplinary Hearing Officer and their adviser/s may ask questions of the Investigating Officer and any witnesses.
8. The employee will be given the opportunity to present their case including calling any witnesses and making a statement of mitigation where appropriate.
9. The Investigating Officer may ask questions of the employee and any witnesses they call following the conclusion of the employee's case.
10. The Disciplinary Hearing Officer and their advisers may ask questions of the employee and any witnesses they call.
11. If new evidence comes to light during the course of the disciplinary, the Hearing Officer may adjourn the meeting to consider the new evidence and decide on its relevance. The other side will be given the opportunity to respond to the evidence if the Hearing Officer agrees to include it as part of the Hearing.

12. Both sides should be invited to make a closing statement of his / her case.
13. At the conclusion of the Hearing everyone except the Disciplinary Hearing Officer and their adviser/s will be asked to leave the meeting room.
14. The Disciplinary Hearing Officer will attempt to reach and communicate a decision on the day, or if adjourned will follow in writing as soon as practicable usually within 5 working days of the Disciplinary Hearing. Where there is no case to answer this will also be confirmed in writing.

# Appendix 3

## Appeal Hearing format

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1. The Appeal Officer/Chairman of the Appeal Sub Committee will introduce all parties and outline their roles, the purpose of the hearing and confirm that all parties have received the papers.
2. The Appeal Officer/ Chairman of the Appeal Sub Committee will explain how the Appeal Hearing will be conducted (as summarised below).
3. The employee and or their representative will present their grounds of appeal detailed in their submission.
4. The Disciplinary Hearing Officer may ask questions of the employee (and any agreed witnesses that attend) following the conclusion of the employees case.
5. The Appeal Officer/Chairman of the Appeal Sub Committee may ask questions of the employee and any witnesses as they appear.
6. The Disciplinary Hearing Officer will respond to the grounds of appeal and present any agreed documents or witnesses.
7. The employee or their representative may ask questions of the Disciplinary Hearing Officer and any witnesses following the conclusion of the management case.
8. The Appeal Officer/ Chairman of the Appeal Sub Committee may ask questions of the Disciplinary Hearing Officer and any witnesses.
9. The Appeal Officer/ Chairman of the Appeal Sub Committee may ask any final questions of the parties.
10. The Disciplinary Hearing Officer will sum up their response to the grounds for appeal (if they so wish).
11. The employee or their representative will sum up their case (if they so wish).
12. Parties will withdraw from the meeting.
13. The Appeal Officer/ Chairman of the Appeal Sub Committee will deliberate in private with their advisers and may recall parties to clarify any points.
14. If the Appeal Officer/ Chairman of the Appeal Sub Committee are of the view that they are likely to reach a decision following a due adjournment, they may ask the parties to wait, communicate the decision orally and follow this up in writing. Otherwise an indication of when the decision is anticipated should be given to the

parties. Decisions should normally be confirmed in writing within 5 working days of the Appeal Hearing.

<b>Committee(s):</b> Establishment Committee	<b>Date:</b> 16 September 2016
<b>Subject:</b> Attracting Talent – Programme Outline	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Information</b>
<b>Report author:</b> Chris Formosa - Town Clerks - Human Resources	

## Summary

This report outlines the Attracting Talent programme co-ordinated within HR. The programme aims to:

- review and update the City of London Corporation's employer brand
- reduce barriers to entry
- support workforce plans and succession planning

## Recommendation(s)

Members are asked to note the report.

## Main Report

### Background

1. This report is presented to the Committee to provide an overview of the Attracting Talent programme. It addresses the strategic issues identified by the Equalities Monitoring report presented to this Committee in June 2016 in relation to creating a more diverse workforce. The wider project brief also aims to address departmental workforce plans, succession planning, and reviewing the City Corporation's employer brand.
2. The report is intended to be read in conjunction with the Attracting Talent slide presentation (attached as Appendix 1) which provides general recruitment data as supporting evidence to contextualise the programme of work.

### **Current Position**

3. Following the completion of a full-scale review of recruitment data and processes, a number of areas for improvement were identified. Appendix 1 which supports this report gives a breakdown of the respective issues identified.
4. Generally speaking, the objectives of the programme seeks to:
  - i) review and renew the City Corporation's image as an employer to enable the attraction of a diverse applicant base
  - ii) level the playing field for applicants by tackling the potential for unconscious bias in decision making processes
  - iii) maximise the City Corporation's use of technology to both aid and improve the recruiting manager and candidate experience
  - iv) support succession planning and departmental workforce plans

### **Reviewing the City Corporation employer brand and image**

5. Part of the project seeks to consider how the City Corporation is perceived as an employer. The brand and image of the City Corporation through its recruitment advertising and applicants' experience is crucial to attracting a diverse and high quality pool of potential candidates. The review will look at what it is that attracts applicants and what prevents or acts as a disincentive to applying for jobs.

### **Reducing barriers to entry**

6. The data (within slides 8-10) suggest that the organisation draws from a more limited demographic than is representative of the community we serve. We also know that the makeup of the workforce is also not representative. Whilst it is difficult to isolate any particular factor, a growing trend across industries, is to seek to address innate unconscious biases with particular focus on the recruitment and selection process.
7. In order to reduce barriers to entry and implicit unconscious biases, our intention is to tackle this both on a procedural and human level respectively.
8. On a procedural level, an example would be by altering processes. For example by piloting 'anonymised' applications where information that may reveal an applicant's identity (e.g. name, gender, address, educational establishment) is not visible to the panel during shortlisting. Within HR, an exercise to assess the impact of 'anonymised' applications in the shortlisting process is currently being undertaken and the findings of this will be reported to the Committee on completion.
9. Engagement with students across surrounding boroughs continues to be led by Economic Development and DCCS, and HR is actively working with colleagues across the organisation to develop the City Corporation's new apprenticeship scheme. The way we recruit our apprentices will be aligned to the objectives of the Attracting Talent programme. Outreach work is planned as part of the new apprenticeship scheme going forward. A separate report on the new apprenticeship scheme will be reported to a future meeting of the Committee.

## **Candidate Experience**

10. As part of our efforts to improve the candidate experience during the recruitment process, there will be an end-to-end review from application to appointment with the intention of streamlining simplifying and shortening the process particularly for roles at Grades A-C. The possibility of introducing a talent pool system to maintain a bank of appointable but unsuccessful candidates will be explored.

## **Corporate & Strategic Implications**

11. The Attracting Talent programme is a direct response to the City Corporation's commitment to creating a diverse workforce representative of the community it serves. It also supports and complements the work of other departments and key strategies such as *The City Business*, *Employability Framework* the *Education Strategy* and the *Children and Young People's Plan*.

## **Conclusion**

12. This report outlines the Attracting Talent programme which has been developed to contribute towards creating a more diverse workforce and the organisation's commitment to promote equality and attain a workforce representative of the wider community it serves. The programme supports departmental workforce plans and succession planning and contributes towards a number of the City Corporation's wider objectives. Further reports will be presented to the Committee as the programme progresses.

## **Appendices**

Appendix 1 – Supporting Data (September 2016)

### **Chris Formosa**

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# Attracting Talent

Supporting Data

September 2016



In 2015...

28,000

average views on recruitment pages per month

10,900

people applied for externally advertised jobs

93%

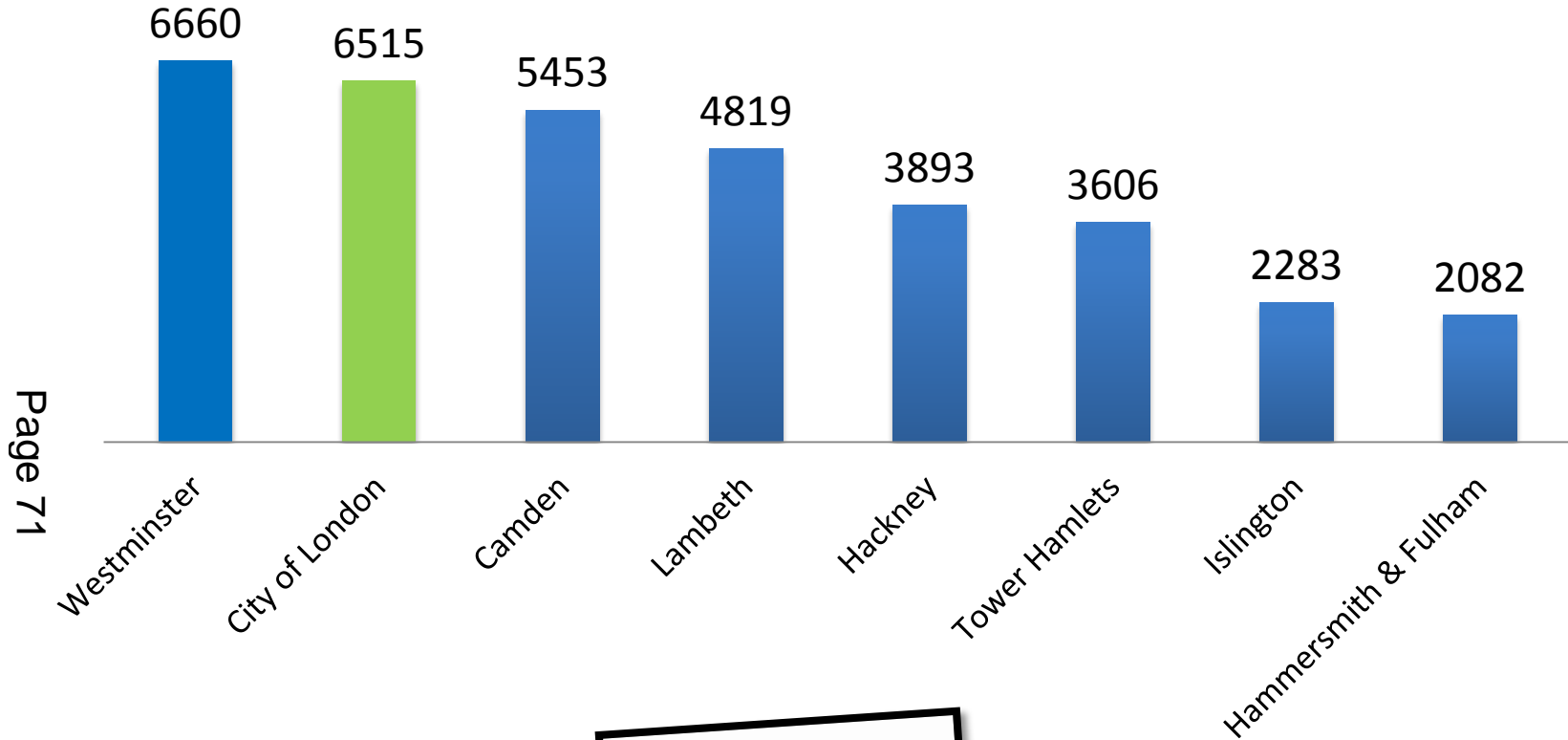
applied online.

345

people hired (meaning 10.5k received rejections)

# Our Social Media following is strong

## LinkedIn Followers



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# 6,515

followers on LinkedIn as at July 2016, and growing...

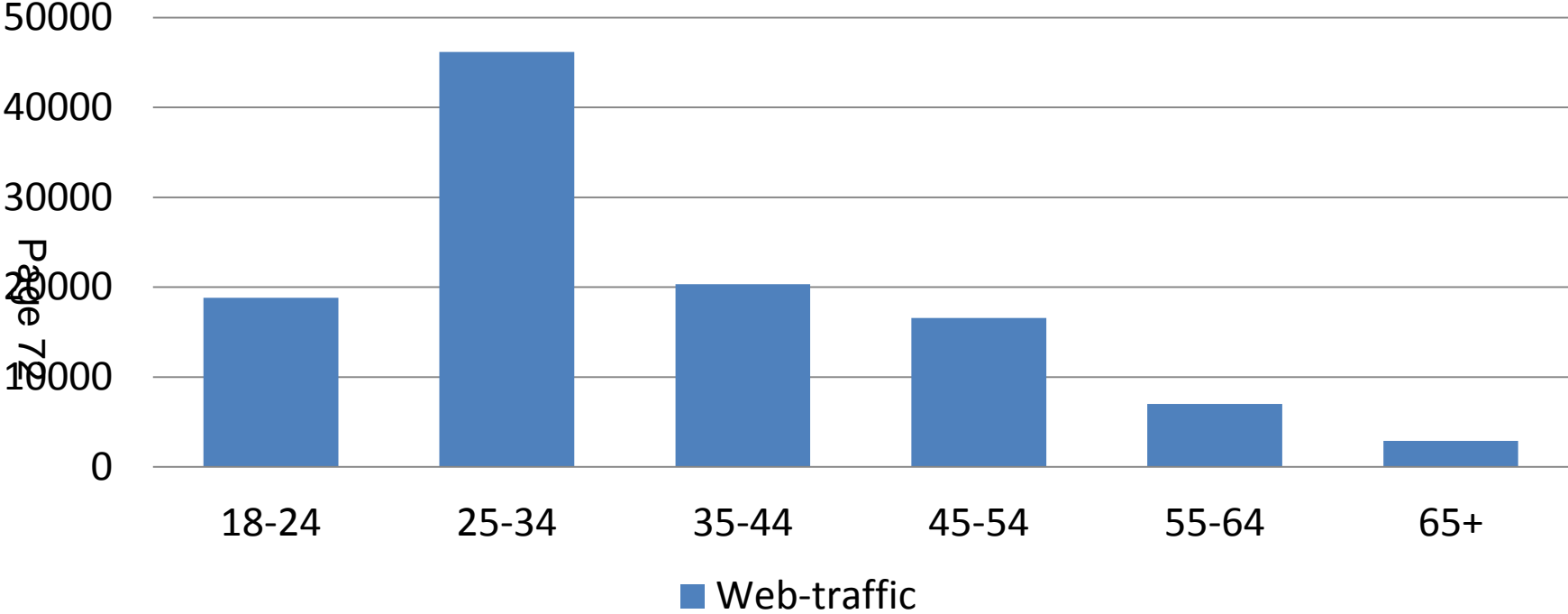


# 5,590\*

followers on Facebook as at Feb 2016, and growing...

# Who is looking to work at the City Corporation?

Web-traffic by Age Group in 2015

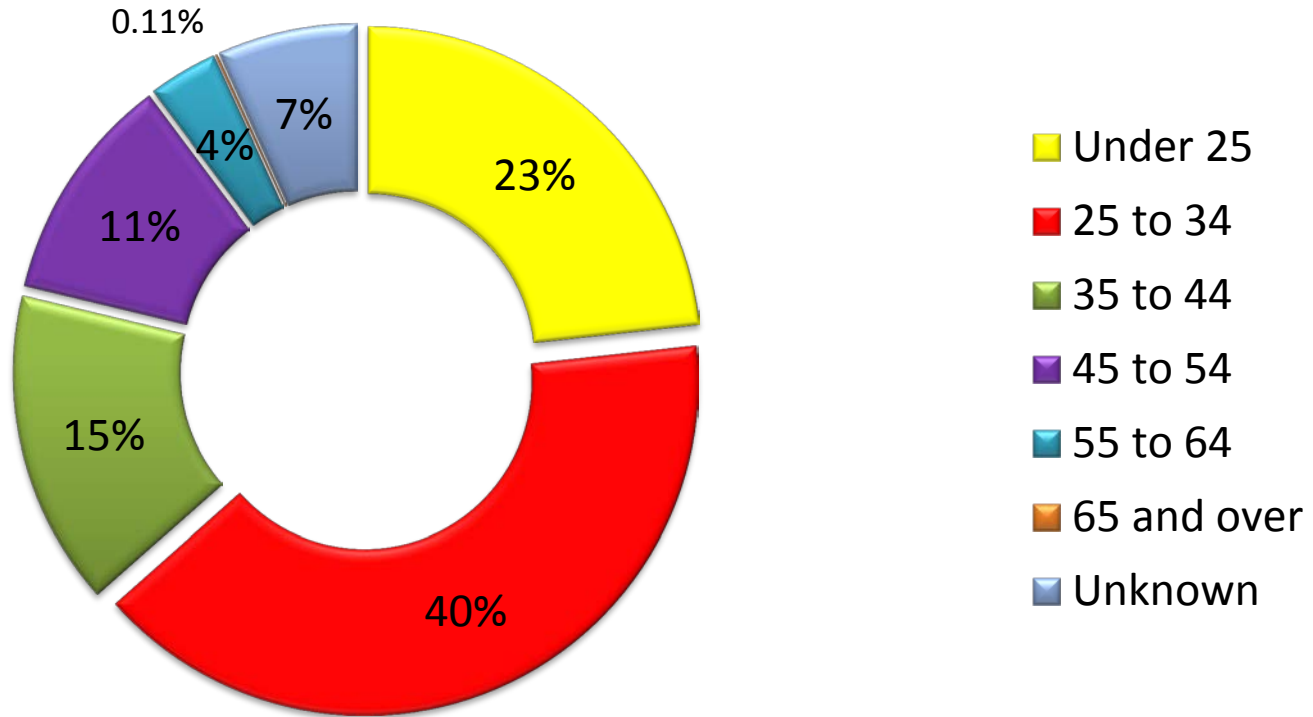


**Commentary**

- i. The City’s prime consumers of recruitment content are situated within the 25-34 year age group, suggesting that they are early to mid “career-developers”.

# Who is applying to work at the City Corporation?

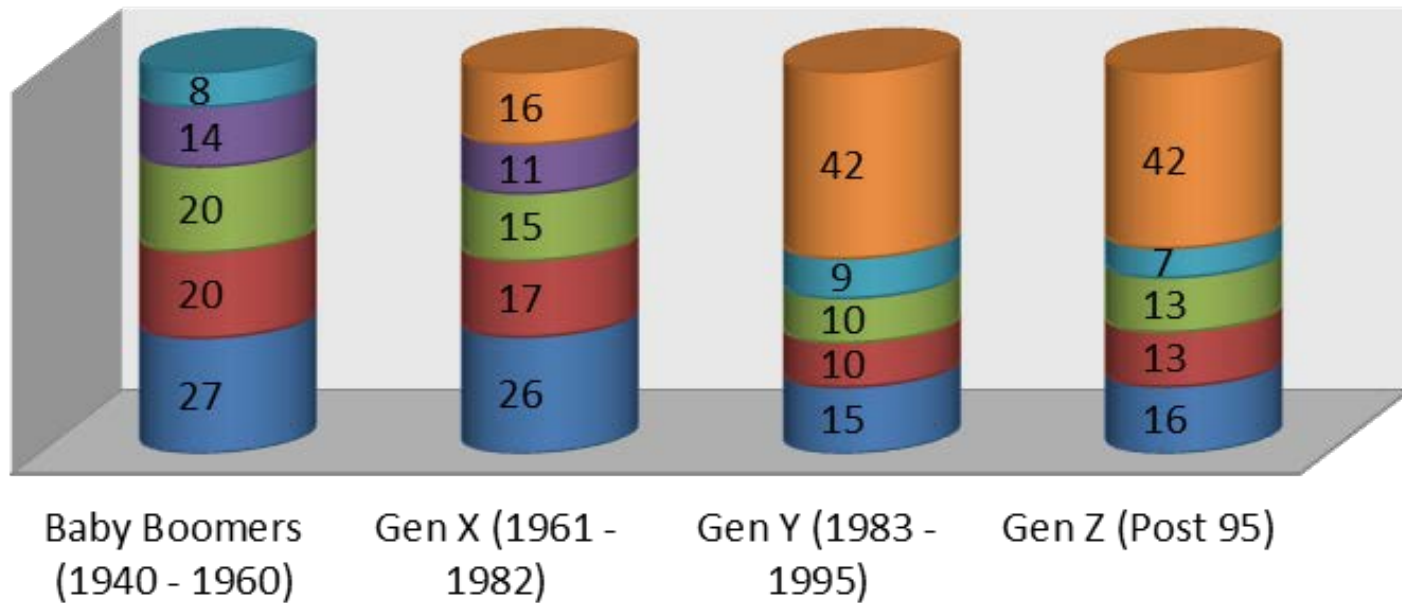
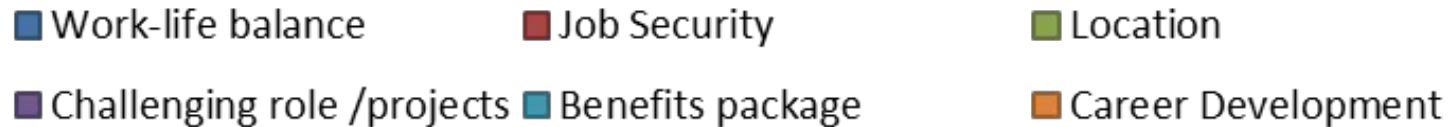
## Applicant Ages (2015)



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- i. Under 34's make up 63% of our applicant base, with 25-34 year olds making the up the largest proportion of this.
- ii. Indications are that our prime candidate group are likely to be career-developers in the middle stages of their career and seeking to establish themselves as experts in their field.

# Top 5 most important factors for candidates when considering a change in jobs by generation (Hays, 2016)

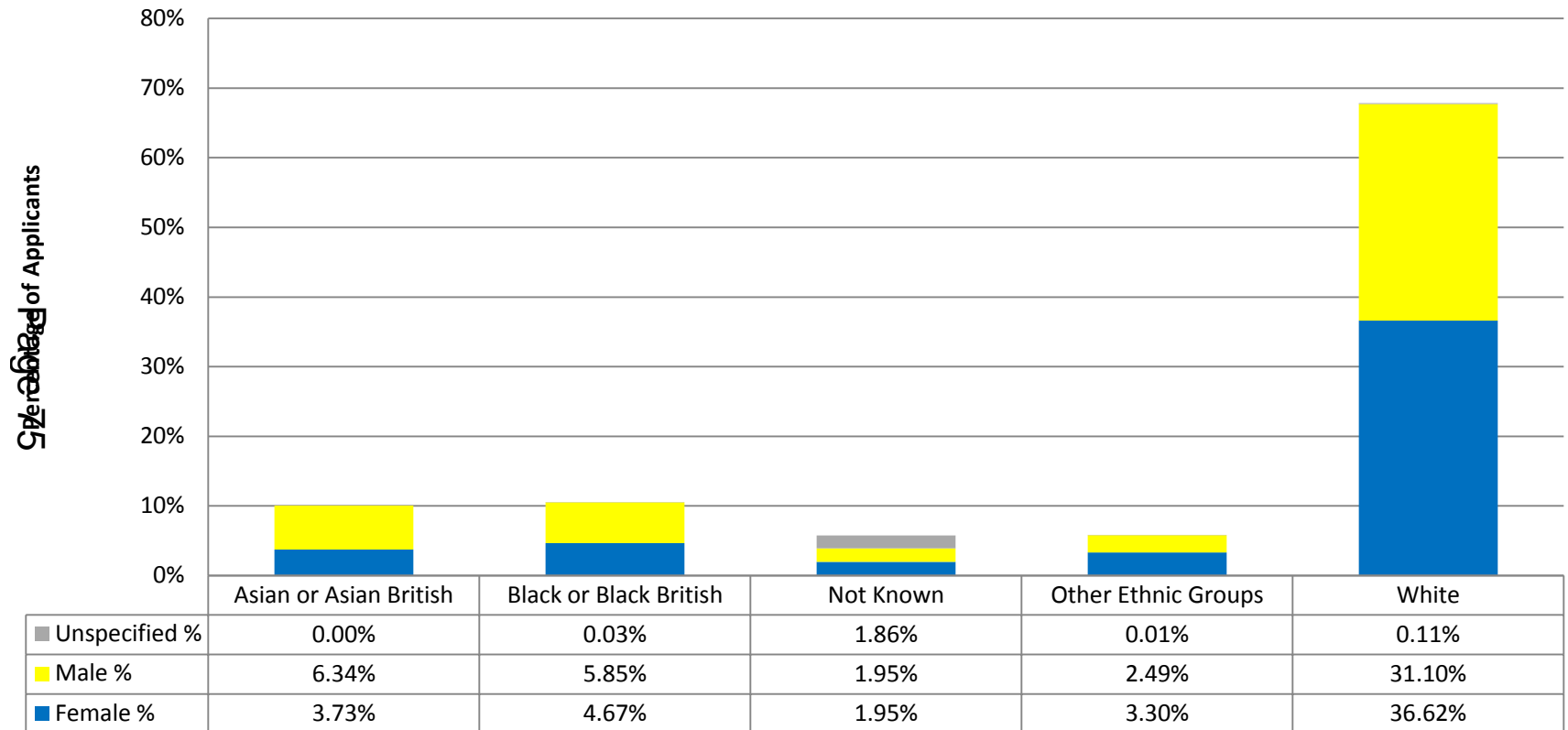


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- i. The workforce of the future, Gen Y and Gen Z are almost identical in terms of job expectations, and see Career Development as the single most important factor when considering a role.
- ii. This information will be used to refresh the employer brand to ensure that we market out Employee Value Proposition (EVP) accordingly.

# Myth: The “Male-Dominated” Workforce

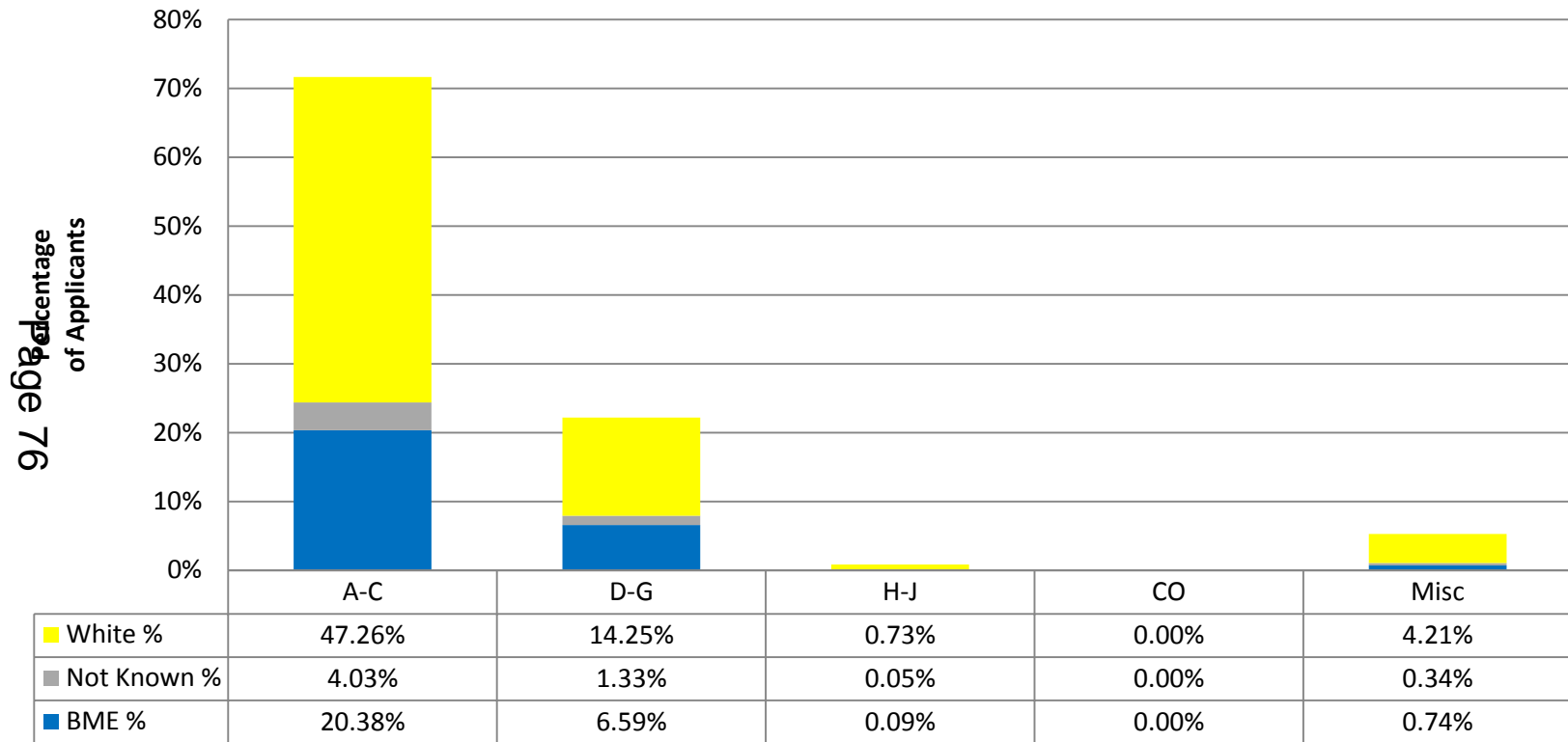
Applicants by gender and ethnic group (Jan – Dec 2014)



- i. This chart primarily illustrates the gender split of applicants, further segmented by ethnic grouping.
- ii. Workforce plan analysis suggested that departments felt the City Corporation was a male-dominated workforce. The workforce gender split is currently around the 50:50 mark.
- iii. The sentiment that the City’s is a male dominated workforce does not bear out in the data, and in fact female applicants outnumber their male counterparts.

# Looking at applicants

## Applicants by Grade & Ethnicity - 2014

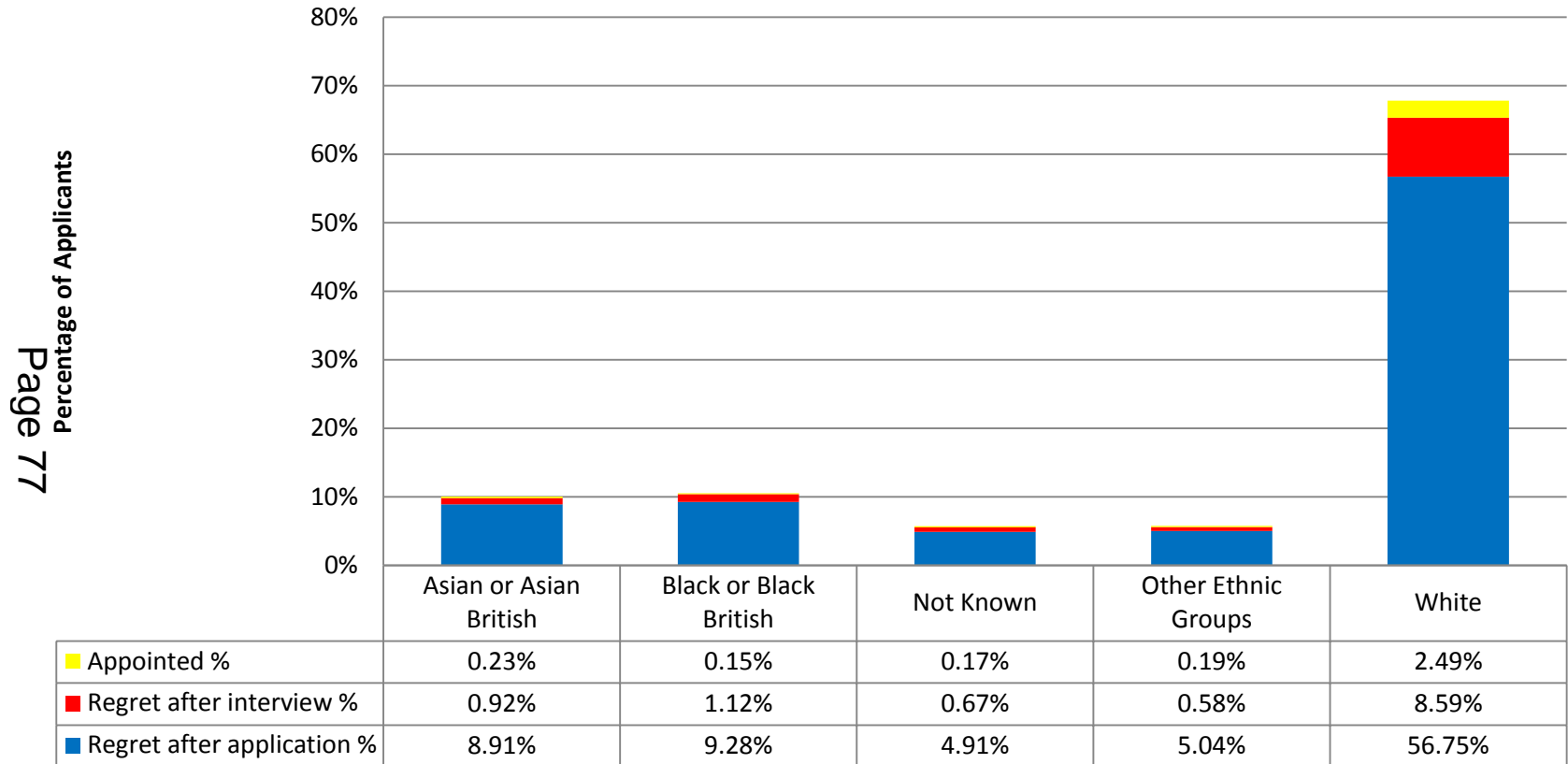


- i. This chart illustrates the ethnicity of all job applicants amongst each grade grouping.
- ii. As expected, the number of applicants gradually decreases in correlation with seniority of grade.
- iii. Drawing attention to applicant ethnicity, it is evident that White applicants outnumber all BME applicants by over 2:1 in every single grade banding.



# Looking at shortlists and appointments

## Where do BME applicants fail?



- i. This chart illustrates the spread of candidates attracted, interviewed and appointed through January to December 2015.
- ii. Applicants that are not shortlisted for interview are highlighted by the blue segment.
- iii. Applicants that are interviewed for each demographic grouping are highlighted by the red segment.
- iv. Appointments for each demographic grouping are highlighted by the yellow segment.

# Greater detail around appointments

Applicants by Ethnic Group & Stage	Total Applicants	Appointed	Percentage of total applicants who were appointed
Asian or Asian British	1,329	30	2.26%
Black or Black British	1,394	20	<b>1.43%</b>
Not Known	760	23	3.03%
Other Ethnic Group	766	25	3.26%
White	<b>8,958</b>	329	3.67%
<b>Grand Total</b>	<b>13,207</b>	<b>427</b>	<b>3.23%</b>

Jan – Dec 2014

- i. This chart provides further detail around applicants and appointments for each ethnic grouping.

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	16 September 2016
<b>Subject:</b> Operation of the Scheme of Delegations April - June 2016	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Information</b>
<b>Report author:</b> Chris Formosa - Town Clerks - Human Resources	

## Summary

In line with the Scheme of Delegations the report provides information on any redundancies, early retirements (including those made under the '85 year rule') and ill health retirements in the reporting period 1 April to 30 June 2016. The report also provides information on total numbers in a rolling year.

## Recommendation

Members are asked to note the actions taken under delegated authority.

## Background

1. In line with the Scheme of Delegations the report provides information on redundancies, early retirements (including those made under the '85 year rule') and ill health retirements in the period April to June 2016.
2. There have been 6 redundancies in this reporting period. There have been 2 early retirements on grounds of ill-health. Appendix 1 (within the confidential section of the agenda) provides a table summarising the information.
3. In the last 12 months there have been 34 total redundancies; 4 early retirements; and 5 ill health retirements.

## Conclusion

4. The Establishment Committee is asked to note the actions taken under delegated authority.

## Appendices

5. Appendix 1 - Table summarising information for the period April - June 2016.  
**This table has been removed from the public agenda.**

**Chris Formosa**

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<b>Committee:</b>	<b>Date:</b>
Establishment Committee	<b>16 September 2016</b>
<b>Subject:</b> Corporate Health & Safety management systems external audit.	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For information</b>
<p><b>Summary</b></p> <p>The City of London Corporations Health and Safety policy and systems were reviewed to deliver a more proactive safety focus that would encourage the development of a good safety culture and improved safety compliance.</p> <p>An external audit was commissioned as part of the final stages of the Corporate HR 2011-16 Health &amp; Safety Strategy. The audit was carried out by the British Safety Council. The City received a four star rating against the British Safety Councils Five Star rating scheme. This score rates the City of London Corporation as achieving four stars, “very good”.</p> <p>Corporate HR will use the auditors recommendations to reinforce the safety management system as we look towards continual improvement.</p> <p><b>Recommendation</b></p> <ul style="list-style-type: none"> <li>• It is recommended the committee note the findings of this report.</li> </ul>	

## 1. Background

- 1.1. An external audit was commissioned as part of the final stages of Corporate Human Resources Health & Safety Strategy 2011-16.
- 1.2. Within its scope was the Corporate Health & Safety Management system. The primary aim of this audit was to provide an external, independent assessment of the management systems in place, the arrangements developed by the organisation and the effectiveness of its implementation.
- 1.3. The British Safety Council was chosen following an open procurement exercise to carry out the audit, in particular, its Five Star Audit model was selected. The Five Star Audit involves an in depth examination of an organisation’s entire health and safety management system(s) and associated arrangements, focusing on the key aspects of their approach to managing occupational health and safety in the workplace. It offers a structured path for continuous improvement towards best practice. The areas shown below in figure 1 are highlighted in the audit.

**Fig1. Five Star Audit: 2013 specification**



**2. Five Star Audit Result**

- 2.1. The organisation was awarded an overall audited score of 85.35%. The outcomes equates to an overall grading of 4 stars.
- 2.2. The Five Star index rating is included below for reference.

The overall audit grading is as follows:

Marks %	Star rating
92 – 100: Excellent	★★★★★
85 – 91.9: Very good	★★★★
75 – 84.9: Good	★★★
60 – 74.9: Satisfactory	★★
50 – 59.9: Basic	★

**3. Audit outcomes**

- 3.1. The audit outcomes, against the specification in Figure 1, and the executive summary extracted from the audit is attached at **Appendix 1** for information.
- 3.2. An action plan with all the accepted recommendations has been put together and reviewed by the Corporate Health & Safety Committee. This will feed into the Corporate HR Health & Safety Strategy for 2017 and beyond.
- 3.3. Recommendations and associated work streams will need to be cross referenced with the City Surveyors Strategy to ensure consistent development of approach.
- 3.4. The action plan will be tracked by the Health and Safety committee. Some key elements have already been implemented, such as implementation of the Corporate Asbestos Policy recently approved by Summit Group, for example.
- 3.5. The external verification is a positive outcome for the organisation in terms of giving the Town Clerk and Members confidence that there are sound procedures in place to ensure Health and safety is managed. The protection this offers, however, strongly depends on their application locally. Departments should take confidence



from the result of this audit that the Safety Management system, made up of the policies, procedures, guidance notes and templates is fit for purpose and if followed will allow departments to comply with legal requirements and mitigate risk to the organisation as whole.

3.6. The Corporate Health & Safety teams internal audits coupled with the Annual Certificate of Assurance submitted by Chief Officers to the Town Clerk and the Risk Management process will continue to monitor and ensure systems are being locally applied.

3.7. A key component of the success of any safety management system is leadership. High visibility commitment to Safety at the most senior levels of the organisation should clearly and repeatedly be demonstrated, in line with our behavioural values. This will further embed safety as business as usual.

#### **4. Conclusion**

4.1. The City has a safety management structure which allows the Corporation to demonstrate compliance if implemented at all levels.

4.2. It is entirely possible for the City of London Corporation to reach the 5 star accreditation. It is recommended that another external audit should be carried out within the next three to five years to again externally review our progress and continue to provide assurance that our system is effective.

4.3. Key for success is the need for all within the organisation to understand their role and actively participate in the daily operation of the system, training for all employees commensurate with their level of responsibility, especially at management level and the importance of Health and Safety leadership.

4.4. As a reminder, attached at **Appendix 2** is the institute of director guidance on safety leadership, leading health & safety at work.

#### **Attached:**

Appendix 1 – Audit outcomes and executive summary

Appendix 2 – Leading Health & Safety at work – Leadership actions for Directors and board members

#### **Contact:**

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Head of Health, Safety & Wellbeing |

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## Audit Outcomes

### Executive summary

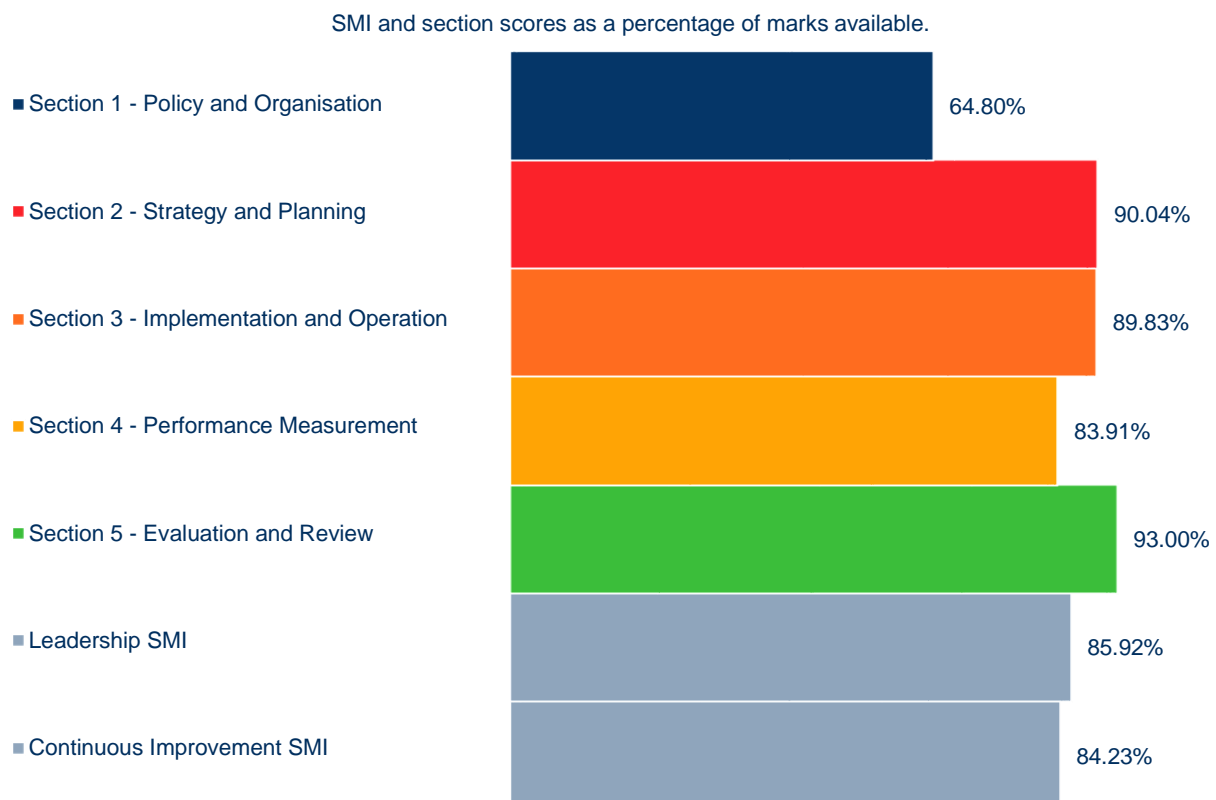
The primary aim of this audit was to provide an external, independent assessment of the occupational health and safety management systems and arrangements developed by the organisation and the effectiveness of their implementation.

### Five Star Audit result

The organisation was awarded an overall audited score of **85.35%** and also achieved a cumulative score of **85.08%** within the Safety Management Indicator areas.

These outcomes equate to an overall star grading of: **4 Stars**

**A summary of organisational performance is provided in graphical format below:**



### Policy and Organisation

The general policy statement is a personal statement from the CEO. This is an excellent way of demonstrating leadership commitment to health and safety and evidence was seen showing that some departments have their own chief officer's statement. However, the CEO's personal statement could be supported by a second statement from the director with designated responsibility for the implementation of OH&S policy which could contain specific commitments to the subjects listed in 1.02 below.

The organisation of OH&S is understandably complex given the nature of the business. Care should be taken that the overarching occupational health and safety processes remain flexible enough for individual departments to adapt them, with approval, to their own needs. This should be accomplished and maintained as a corroborative process.

### Strategy and Planning

The strategic plans for the business and the departments are clear and it is apparent that OH&S is considered as an integral part of the business. The various methods for departments to communicate their commitment to and performance in OH&S are laid out and place the responsibility firmly in the hands of individual departments.

Given the scale of operations it would be advisable to develop a more formal internal audit programme, set and overseen by the central OH&S function and carried out by trained auditors

with cross-department auditing to ensure an impartial approach. These audits could be modelled on the British Safety Council Five Star Audit specification and should, in the first instance, aim to cover the whole specification for every department in a defined cycle lasting no more than two years. It may be appropriate to group similar and related Five Star Audit elements together and to design specific criteria, based on the specification that must be met. Which elements are audited in what order could be determined from the TopX reports, annual certificate of insurance and risk assessments received from each department. The central OH&S function should also audit the delivery of internal audits and the reports, for completeness and quality.

### Implementation and Operation

This section of the audit proved difficult to perform as the brief was to determine the standard of the central OHSMS and not how it was being implemented within the departments. Some observations were made during a tour of the Guildhall and associated buildings. In addition, the auditor spent some time with the Rememberancer's Department and the Central Surveyor's Department.

The main observation in this section is that a more focused/robust audit process for both completeness and quality of records across the requirements of the central OHSMS is required. In the spirit of the Five Star Audit, these internal audits should seek to inform and guide rather than be seen as punitive.

### Performance Measurement

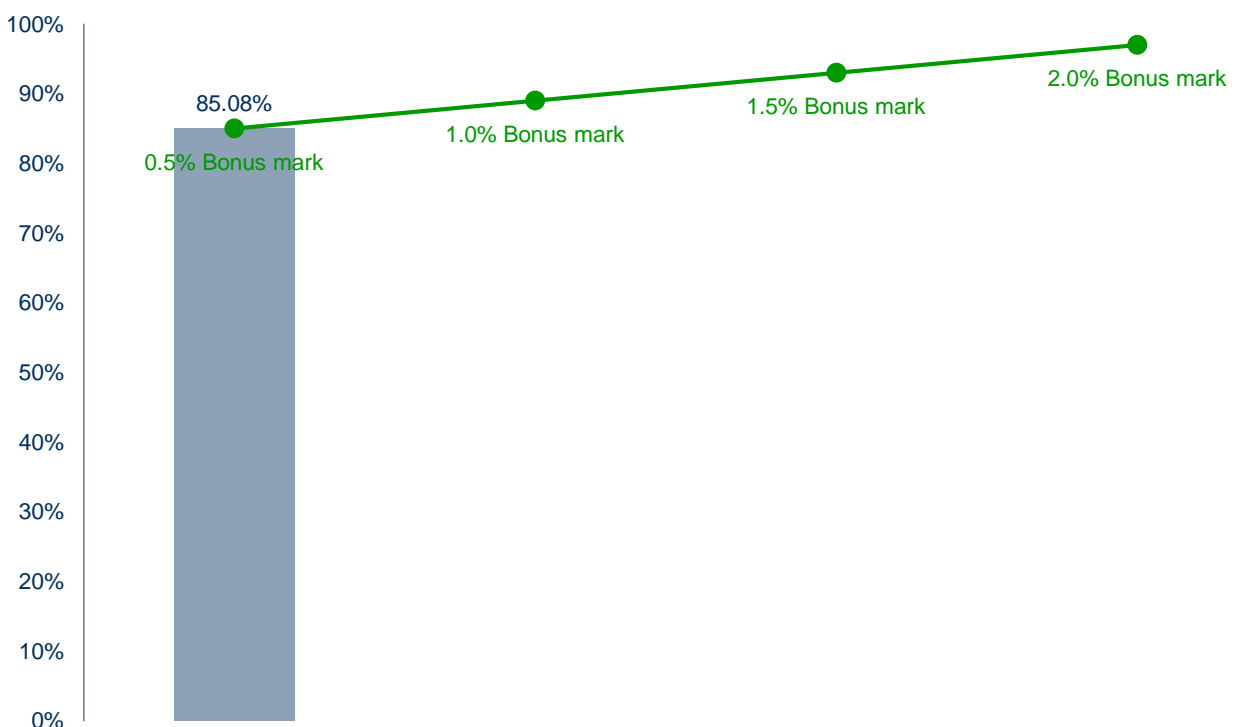
There is a comprehensive reporting process in place with departments expected to identify and report their risks, controls and performance both as individual events and in departmental reports. A more quantitative reporting style might be in order.

It is important that the internal audit system is seen to confirm these departmental reports.

### Evaluation and Review

Chief Officers for the departments produce an annual certificate of insurance which is intended to secure commitment from these Chief Officers to the OH&S objectives that the department and corporation have set. Objectives for the coming year are informed by these documents and agreed between senior managers.

Average SMI mark showing percentages required for bonus marks





# leading health and safety at work



**LEADERSHIP  
ACTIONS FOR  
DIRECTORS AND  
BOARD MEMBERS**

“ Board level involvement is an essential part of the 21st century trading ethic. Attitudes to health and safety are determined by the bosses, not the organisation’s size. ”

“ Health and safety is integral to success. Board members who do not show leadership in this area are failing in their duty as directors and their moral duty, and are damaging their organisation. ”

“ An organisation will never be able to achieve the highest standards of health and safety management without the active involvement of directors. External stakeholders viewing the organisation will observe the lack of direction. ”

“ Health and safety is a fundamental part of business. Boards need someone with passion and energy to ensure it stays at the core of the organisation. ”

Quotes from health and safety leaders in the public and private sectors.

## ACKNOWLEDGEMENTS

The Institute of Directors and the Health and Safety Executive would like to thank the following organisations for their help on the steering group that developed this guidance: Confederation of British Industry, Federation of Small Businesses, Institution of Occupational Safety and Health, Local Authorities Coordinators of Regulatory Services, Local Government Association, National Council for Voluntary Organisations, NHS Confederation, The Princess Alice Hospice, Trades Union Congress, University of Warwick

# introduction

**This guidance sets out an agenda for the effective leadership of health and safety. It is designed for use by all directors, governors, trustees, officers and their equivalents in the private, public and third sectors. It applies to organisations of all sizes.\***

Protecting the health and safety of employees or members of the public who may be affected by your activities is an essential part of risk management and must be led by the board.

Failure to include health and safety as a key business risk in board decisions can have catastrophic results. Many high-profile safety cases over the years have been rooted in failures of leadership.

Health and safety law places duties on organisations and employers, and directors can be personally liable when these duties are breached: members of the board have both collective and individual responsibility for health and safety.

By following this guidance, you will help your organisation find the best ways to lead and promote health and safety, and therefore meet its legal obligations.

The starting points are the following essential principles. These principles are intended to underpin the actions in this guidance and so lead to good health and safety performance.

## ESSENTIAL PRINCIPLES

- **Strong and active leadership from the top:**
  - visible, active commitment from the board;
  - establishing effective 'downward' communication systems and management structures;
  - integration of good health and safety management with business decisions.
- **Worker involvement:**
  - engaging the workforce in the promotion and achievement of safe and healthy conditions;
  - effective 'upward' communication;
  - providing high quality training.
- **Assessment and review:**
  - identifying and managing health and safety risks;
  - accessing (and following) competent advice;
  - monitoring, reporting and reviewing performance.

\*The Health and Safety Executive (HSE) has further advice on leadership for small businesses and major hazard industries – see resources section.

## Costs of poor health and safety at work

HSE statistics reveal the human and financial cost of failing to address health and safety.

- More than 200 people are killed at work in the United Kingdom each year. This does not include work-related road deaths.
- In 2006, 30 million working days were lost in the UK to occupational ill health and injury, imposing an annual cost to society of £30 bn (more than 3% of GDP).
- Surveys show that about two million people suffer from an illness that they believe to be caused or made worse by work.
- Many thousands of deaths each year can be attributed to occupational illnesses, including some cancers and respiratory diseases.

Organisations can incur further costs – such as uninsured losses and loss of reputation.

## IN THIS GUIDANCE

The following pages set out:

- a four-point agenda for embedding the essential health and safety principles;
- a summary of legal liabilities;
- a checklist of key questions for leaders;
- a list of resources and references for implementing this guidance in detail.

The agenda consists of:

**Core actions** for boards and individual board members that relate directly to the legal duties of an organisation. *These actions are intended to set a standard.*

**Good practice guidelines** that set out ways to give the core actions practical effect. *These guidelines provide ideas on how you might achieve the core actions.*

**Case studies** selected to be relevant to most sectors.

A website, [www.hse.gov.uk/leadership](http://www.hse.gov.uk/leadership), provides links to all the resources mentioned.

## Benefits of good health and safety

Addressing health and safety should not be seen as a regulatory burden: it offers significant opportunities. Benefits can include:

- reduced costs and reduced risks – employee absence and turnover rates are lower, accidents are fewer, the threat of legal action is lessened;
- improved standing among suppliers and partners;
- a better reputation for corporate responsibility among investors, customers and communities;
- increased productivity – employees are healthier, happier and better motivated.

It includes online and downloadable versions of this guidance and further advice for small enterprises.

## Legal responsibilities of employers

Health and safety law states that organisations must:

- provide a written health and safety policy (if they employ five or more people);
- assess risks to employees, customers, partners and any other people who could be affected by their activities;
- arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;
- ensure they have access to competent health and safety advice;
- consult employees about their risks at work and current preventive and protective measures.

Failure to comply with these requirements can have serious consequences – for both organisations and individuals. Sanctions include fines, imprisonment and disqualification.

Under the Corporate Manslaughter and Corporate Homicide Act 2007 an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine. (See also the back page of this guidance.)



# plan the direction for health and safety



The board should set the direction for effective health and safety management. Board members need to establish a health and safety policy that is much more than a document – it should be an integral part of your organisation’s culture, of its values and performance standards.

All board members should take the lead in ensuring the communication of health and safety duties and benefits throughout the organisation. Executive directors must develop policies to avoid health and safety problems and must respond quickly where difficulties arise or new risks are introduced; non-executives must make sure that health and safety is properly addressed.

## Corporate governance

For many organisations, health and safety is a corporate governance issue. The board should integrate health and safety into the main governance structures, including board sub-committees, such as risk, remuneration and audit.

The Turnbull guidance on the Combined Code on Corporate Governance requires listed companies to have robust systems of internal control, covering not just ‘narrow’ financial risks but also risks relating to the environment, business reputation and health and safety.

## CORE ACTIONS

To agree a policy, boards will need to ensure they are aware of the significant risks faced by their organisation.

The policy should set out the board’s own role and that of individual board members in leading the health and safety of its organisation.

It should require the board to:

- ‘own’ and understand the key issues involved;
- decide how best to communicate, promote and champion health and safety.

The health and safety policy is a ‘living’ document and it should evolve over time, eg in the light of major organisational changes such as restructuring or a significant acquisition.

## GOOD PRACTICE

- Health and safety should appear regularly on the agenda for board meetings.
- The chief executive can give the clearest visibility of leadership, but some boards find it useful to name one of their number as the health and safety ‘champion’.
- The presence on the board of a health and safety director can be a strong signal that the issue is being taken seriously and that its **strategic importance** is understood.
- Setting targets helps define what the board is seeking to achieve.
- A non-executive director can act as a scrutineer – ensuring the processes to support boards facing significant health and safety risks are robust.

## Case study – North Staffordshire Combined Healthcare NHS Trust

The board found itself facing service improvement targets. Using new corporate and clinical guidance, it set about taking a ‘whole systems’ approach to managing corporate risk, giving one of its directors responsibility for the leadership of health and safety for the first time. Health and safety was also made a key item on the board agenda.

This has resulted in a much better integrated health and safety management system that increases the opportunity to identify and manage all corporate risks, and a much more open culture, improving reporting and monitoring. The board actively promotes a culture that gives staff the confidence to report incidents. This has resulted in:

- 16% reduction in incidence rates over two years;
- 10% reduction in insurance premiums.

# deliver

## health and safety

Delivery depends on an effective management system to ensure, so far as is reasonably practicable, the health and safety of employees, customers and members of the public.

Organisations should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly and proportionately.

### CORE ACTIONS

To take responsibility and 'ownership' of health and safety, members of the board must ensure that:

- health and safety arrangements are adequately resourced;
- they obtain competent health and safety advice;
- risk assessments are carried out;
- employees or their representatives are involved in decisions that affect their health and safety.

The board should consider the health and safety implications of introducing new processes, new working practices or new personnel, dedicating adequate resources to the task and seeking advice where necessary.

Boardroom decisions must be made in the context of the organisation's health and safety policy; it is important to 'design-in' health and safety when implementing change.

### GOOD PRACTICE

- Leadership is more effective if visible – board members can reinforce health and safety policy by being seen on the 'shop floor', following all safety measures themselves and addressing any breaches immediately.
- Consider health and safety when deciding senior management appointments.
- Having procurement standards for goods, equipment and services can help prevent the introduction of expensive health and safety hazards.
- The health and safety arrangements of partners, key suppliers and contractors should be assessed: their performance could adversely affect yours.
- Setting up a separate risk management or health and safety committee as a subset of the board, chaired by a senior executive, can make sure the key issues are addressed and guard against time and effort being wasted on trivial risks and unnecessary bureaucracy.
- Providing health and safety training to some or all of the board can promote understanding and knowledge of the key issues in your organisation.
- Supporting worker involvement in health and safety, above your legal duty to consult worker representatives, can improve participation and help prove your commitment.

### Case study – British Sugar

British Sugar was devastated in 2003, when three workers died. The business had always considered health and safety a key priority but realised a change in focus was needed. It carried out a comprehensive, boardroom-led review of its arrangements. This included:

- the chief executive assigning health and safety responsibilities to all directors;
- monthly reports on health and safety going to the board;
- more effective working partnerships with employees, trade unions and others;
- overseeing an audited behavioural change programme;
- publishing annual health and safety targets and initiatives to meet them.

Results included:

- 43% drop in time lost to injuries over two years;
- 63% reduction in major health and safety issues in one year;
- much greater understanding among directors of health and safety risks.

# monitor

## health and safety



Monitoring and reporting are vital parts of a health and safety culture. Management systems must allow the board to receive both specific (eg incident-led) and routine reports on the performance of health and safety policy.

Much day-to-day health and safety information need be reported only at the time of a formal review (see action 4). But only a strong system of monitoring can ensure that the formal review can proceed as planned – and that relevant events in the interim are brought to the board’s attention.

### CORE ACTIONS

The board should ensure that:

- appropriate weight is given to reporting both preventive information (such as progress of training and maintenance programmes) and incident data (such as accident and sickness absence rates);
- periodic audits of the effectiveness of management structures and risk controls for health and safety are carried out;
- the impact of changes such as the introduction of new procedures, work processes or products, or any major health and safety failure, is reported as soon as possible to the board;
- there are procedures to implement new and changed legal requirements and to consider other external developments and events.

### GOOD PRACTICE

- Effective monitoring of sickness absence and workplace health can alert the board to underlying problems that could seriously damage performance or result in accidents and long-term illness.
- The collection of workplace health and safety data can allow the board to benchmark the organisation’s performance against others in its sector.
- Appraisals of senior managers can include an assessment of their contribution to health and safety performance.
- Boards can receive regular reports on the health and safety performance and actions of contractors.
- Some organisations have found they win greater support for health and safety by involving workers in monitoring.

### Case study – Mid and West Wales Fire and Rescue Service

Mid and West Wales Fire and Rescue Service recognised that it was critical to demonstrate to staff that health and safety was fundamental to the success of its overall service delivery – and that commitment to health and safety came from the top of the organisation. The director of service policy and planning was made health and safety director, and implemented a revised framework for health and safety. The director made site visits to engage the workforce and placed renewed emphasis on the need to improve incident reporting, investigation and monitoring procedures. The service has reported:

- £100 000 reduction in insurance liability premiums in one year through improved corporate strategic risk management;
- 50% reduction in sickness absence resulting from work-related injury over two years;
- 50% reduction in injury rates over three years.

# review

## health and safety

A formal boardroom review of health and safety performance is essential. It allows the board to establish whether the essential health and safety principles – strong and active leadership, worker involvement, and assessment and review – have been embedded in the organisation. It tells you whether your system is effective in managing risk and protecting people.

### CORE ACTIONS

The board should review health and safety performance at least once a year. The review process should:

- ✔ examine whether the health and safety policy reflects the organisation's current priorities, plans and targets;
- ✔ examine whether risk management and other health and safety systems have been effectively reporting to the board;
- ✔ report health and safety shortcomings, and the effect of all relevant board and management decisions;
- ✔ decide actions to address any weaknesses and a system to monitor their implementation;
- ✔ consider immediate reviews in the light of major shortcomings or events.

### GOOD PRACTICE

- ✔ Performance on health and safety and wellbeing is increasingly being recorded in organisations' annual reports to investors and stakeholders.
- ✔ Board members can make extra 'shop floor' visits to gather information for the formal review.
- ✔ Good health and safety performance can be celebrated at central and local level.

### Auditing and reporting

Larger public and private sector organisations need to have formal procedures for auditing and reporting health and safety performance. The board should ensure that any audit is perceived as a positive management and boardroom tool. It should have unrestricted access to both external and internal auditors, keeping their cost-effectiveness, independence and objectivity under review.

Various codes and guides (many of them sector-specific) are available to help organisations report health and safety performance and risk management as part of good governance. See resources section.

### Case study – Sainsbury's

Sainsbury's rethought its approach to health and safety after an external audit highlighted the need for a more unified approach across the company. The key element was a health and safety vision, set out by the group HR director and backed by a plan that included targets over three years.

As part of the plan, all board directors were given training on health and safety responsibilities. Health and safety now regularly features on board agendas.

The business benefits include:

- 17% reduction in sickness absence;
- 28% reduction in reportable incidents;
- improved morale and pride in working for the company, as indicated by colleague surveys.

# when leadership falls short

When board members do not lead effectively on health and safety management the consequences can be severe. These examples mark issues for all boards to consider.

## Competent advice, training and supervision

Following the fatal injury of an employee maintaining machinery at a recycling firm employing approximately 30 people, a company director received a 12-month custodial sentence for manslaughter. The machinery was not properly isolated and started up unexpectedly. An HSE and police investigation revealed there was no safe system of work for maintenance; instruction, training and supervision were inadequate. HSE's investigating principal inspector said: 'Evidence showed that the director chose not to follow the advice of his health and safety advisor and instead adopted a complacent attitude, allowing the standards in his business to fall.'

## Monitoring

The managing director of a manufacturing company with around 100 workers was sentenced to 12 months' imprisonment for manslaughter following the death of an employee who became caught in unguarded machinery. The investigation revealed that, had the company adequately maintained guarding around a conveyor, the death would have been avoided. The judge made clear that whether the managing director was aware of the situation was not the issue: he should have known as this was a long-standing problem. An area manager also received a custodial sentence. The company received a substantial fine and had to pay the prosecution's costs.

## Risk assessment

A company and its officers were fined a total of £245 000 and ordered to pay costs of £75 500 at Crown Court in relation to the removal of asbestos. The company employed ten, mostly young, temporary workers; they were not trained or equipped to safely remove the asbestos, nor warned of its risk. The directors were also disqualified from holding any company directorship for two years and one year respectively.

## Legal liability of individual board members for health and safety failures

If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the organisation, then that person (as well as the organisation) can be prosecuted under section 37 of the Health and Safety at Work etc Act 1974.

Recent case law has confirmed that directors cannot avoid a charge of neglect under section 37 by arranging their organisation's business so as to leave them ignorant of circumstances which would trigger their obligation to address health and safety breaches.

Those found guilty are liable for fines and, in some cases, imprisonment. In addition, the Company Directors Disqualification Act 1986, section 2(1), empowers the court to disqualify an individual convicted of an offence in connection with the management of a company. This includes health and safety offences. This power is exercised at the discretion of the court; it requires no additional investigation or evidence.

Individual directors are also potentially liable for other related offences, such as the common law offence of gross negligence manslaughter. Under the common law, gross negligence manslaughter is proved when individual officers of a company (directors or business owners) by their own grossly negligent behaviour cause death. This offence is punishable by a maximum of life imprisonment.

Note: equivalent legislation exists in Northern Ireland, ie article 34A of the Health and Safety at Work (Northern Ireland) Order 1978 and article 3(1) of the Company Directors Disqualification (Northern Ireland) Order 2002.

# health and safety leadership checklist

This list is designed to check your status as a *leader* on health and safety. See the resources section for advice and tools that may help you answer these questions.

- How do you demonstrate the board's commitment to health and safety?
- What do you do to ensure appropriate board-level review of health and safety?
- What have you done to ensure your organisation, at all levels including the board, receives competent health and safety advice?
- How are you ensuring all staff – including the board – are sufficiently trained and competent in their health and safety responsibilities?
- How confident are you that your workforce, particularly safety representatives, are consulted properly on health and safety matters, and that their concerns are reaching the appropriate level including, as necessary, the board?
- What systems are in place to ensure your organisation's risks are assessed, and that sensible control measures are established and maintained?
- How well do you know what is happening on the ground, and what audits or assessments are undertaken to inform you about what your organisation and contractors actually do?
- What information does the board receive regularly about health and safety, eg performance data and reports on injuries and work-related ill health?
- What targets have you set to improve health and safety and do you benchmark your performance against others in your sector or beyond?
- Where changes in working arrangements have significant implications for health and safety, how are these brought to the attention of the board?

# key resources

A dedicated web page has been created to provide boards and board members with further advice and guidance. It includes links to various publications and websites, as well as online and downloadable versions of this guidance.

**The web page can be found at: [www.hse.gov.uk/leadership](http://www.hse.gov.uk/leadership)**

You can get further information from the following organisations:

**Health and Safety Executive (HSE)** ([www.hse.gov.uk](http://www.hse.gov.uk))

- *Successful health and safety management* HSG65 HSE Books 1997 ISBN 978 0 7176 1276 5
- *Leadership for the major hazard industries* Leaflet INDG277(rev1) [www.hse.gov.uk/pubns/indg277.pdf](http://www.hse.gov.uk/pubns/indg277.pdf)
- small businesses
- principles of sensible risk management
- measuring health and safety performance
- competent health and safety assistance
- worker involvement
- case studies and tools
- enforcement

**Health and Safety Executive for Northern Ireland** ([www.hseni.gov.uk](http://www.hseni.gov.uk))

**Institute of Directors (IoD)** ([www.iod.com](http://www.iod.com))

- dedicated web page at: [www.iod.com/hsguide](http://www.iod.com/hsguide)
- *Wellbeing at work: A Director's Guide* IoD 2006 ISBN 978 1 9045 2048 1

**Institution of Occupational Safety and Health (IOSH)** ([www.iosh.co.uk](http://www.iosh.co.uk))

- *Questioning performance: The director's essential guide to health, safety and the environment* IOSH ISBN 978 0 901357 37 3
- toolkits
- competent health and safety assistance

**Royal Society for the Prevention of Accidents (RoSPA)** ([www.rospa.com](http://www.rospa.com))

- DASH: Director Action on Safety and Health
- GoPoP: Going Public on Performance – measuring and reporting on health and safety performance
- case studies

**Trades Union Congress (TUC)** ([www.tuc.org.uk](http://www.tuc.org.uk))

- safety representatives

**Business Link** ([www.businesslink.gov.uk](http://www.businesslink.gov.uk))

- managing health and safety

**European Agency for Safety and Health at Work** ([www.osha.europa.eu](http://www.osha.europa.eu))



## ABOUT THIS GUIDANCE

This guidance, issued jointly by the Institute of Directors and the Health and Safety Executive, is addressed to directors (and their equivalents) of corporate bodies and of organisations in the public and third sectors. Such organisations are required to comply with health and safety law. Although reference is made to existing legal obligations, following the guidance is not in itself obligatory. However, if you do follow it you will normally be doing enough to help your organisation meet its legal obligations.

In considering the liability of an organisation under the Corporate Manslaughter and Corporate Homicide Act 2007, a jury must consider any breaches of health and safety legislation and may have regard to any health and safety guidance. In addition to other health and safety guidance, this guidance could be a relevant consideration for a jury depending on the circumstances of the particular case.

## FURTHER INFORMATION

HSE priced and free publications can be viewed online or ordered from [www.hse.gov.uk](http://www.hse.gov.uk) or contact HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995. HSE priced publications are also available from bookshops.

For information about health and safety ring HSE's Infoline  
Tel: 0845 345 0055 Fax: 0845 408 9566  
Textphone: 0845 408 9577 e-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com)  
or write to HSE Information Services, Caerphilly Business Park,  
Caerphilly CF83 3GG.

This leaflet is available in priced packs of 5 from HSE Books, ISBN 978 0 7176 6267 8. Single free copies are also available from HSE Books.

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