



Establishment Committee

Date: WEDNESDAY, 25 APRIL 2018
Time: 11.00 am
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Membership of the Committee will be approved by the Court of Common Council on 19 April 2018:

Members: Deputy the Revd Stephen Haines*
Deputy Edward Lord*
Randall Anderson
Sir Mark Boleat
Deputy Keith Bottomley
Deputy Kevin Everett*
Sophie Anne Fernandes
Jeremy Mayhew
Sylvia Moys
Deputy Joyce Nash
Barbara Newman
Deputy Richard Regan
Deputy Elizabeth Rogula
Alderman William Russell
Ruby Sayed
Deputy Philip Woodhouse
Vacancy (Representative of the Finance Committee)*

*To be appointed at the Court of Common Council on 19 April 2018

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Lunch will be served in 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. **ORDER OF COURT OF COMMON COUNCIL - TO FOLLOW**

To receive the Order of the Court of Common Council appointing the Committee dated 19 April 2018.

This document was not available at the time of publication and will be circulated separately.

For Information

4. **ELECTION OF CHAIRMAN**

To elect a Chairman in accordance with Standing Order 29.

For Decision

5. **ELECTION OF DEPUTY CHAIRMAN**

Deputy The Reverend Stephen Haines, the immediate past Chairman, has expressed a willingness to serve as Deputy Chairman in accordance with Standing Order 30.

For Decision

6. **MINUTES - TO FOLLOW**

To agree the public minutes and summary of the meeting held on 9 April 2018.

The minutes were not available at the time of publication and will be circulated separately.

For Decision

7. **OUTSTANDING ACTIONS REPORT**

Report of the Town Clerk.

For Information
(Pages 1 - 2)

8. **APPOINTMENT OF THE JOINT CONSULTATIVE COMMITTEE**

To appoint four Members, in addition to the Chairman, Deputy Chairman and representative of the Finance Committee, to the Joint Consultative Committee

NB: The Joint Consultative Committee will meet at 12.00pm on 25 May 2018.

For Decision

9. **SENIOR REMUNERATION SUB-COMMITTEE**

To appoint the following Members to the Senior Remuneration Sub-Committee:

Chairman of the Establishment Committee (Chairman)
Chairman of the Policy and Resources Committee (Deputy Chairman)
Deputy Chairman of the Establishment Committee
Deputy Chairman of the Policy and Resources Committee
Chairman of the Finance Committee
Chairman of the General Purposes Committee of Aldermen

For Decision

10. **EQUALITY AND INCLUSION UPDATE**

Report of the Director of Human Resources.

For Decision
(Pages 3 - 12)

11. **MENTAL HEALTH AND WELLBEING POLICY**

Report of the Director of Human Resources.

For Decision
(Pages 13 - 24)

12. **ERADICATION OF PROCUREMENT CODE BREACH WAIVERS -
RETROSPECTIVE WAIVERS**

Report of the Chamberlain

For Information
(Pages 25 - 28)

13. **SCHEME OF DELEGATION REPORT - REPORT OF ACTION TAKEN**

Report of the Director of Human Resources.

(The appendix to this report is confidential and is item 28 in Part 3 of the agenda)

For Information
(Pages 29 - 30)

14. **REPORT OF ACTIONS TAKEN UNDER URGENCY OR DELEGATED POWERS**

Report of the Town Clerk

For Information
(Pages 31 - 34)

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 FOLLOW**

To agree the non-public minutes and summary of the meeting held on 9 April 2018.

The minutes were not available at the time of publication and will be circulated separately.

For Decision

19. **OUTSTANDING ACTIONS REPORT**

Report of the Town Clerk.

For Information
(Pages 35 - 36)

20. **USE OF PERSONAL EMAIL, RISK AND GDPR COMPLIANCE**

Report of the Comptroller and City Solicitor.

This report was deferred from the last meeting on 9 April. It has since been approved by the Policy and Resources Committee at its meeting on 12 April 2018.

For Decision
(Pages 37 - 50)

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 FOLLOW**

To agree the Confidential minutes of the last meeting held on 9 April 2018.

The minutes were not available at the time of publication and will be circulated separately.

24. **MARKET FORCES SUPPLEMENT REQUEST - CITY OF LONDON SCHOOL** For Decision
Report of the Head Teacher, City of London Boys School

25. **1/5 LONDON WALL BUILDINGS EC2 - PROPOSED LEASEHOLD DISPOSAL** For Decision
Report of the City Surveyor

26. **MARKET FORCES SUPPLEMENT REQUEST - CITY SURVEYOR'S DEPARTMENT** For Information
Report of the City Surveyor

27. **STAFF APPEALS COMMITTEE MINUTES - TO FOLLOW** For Decision
Report of the Comptroller & City Solicitor providing the outcome of a Staff Appeals Committee held on 13 April 2018.

The report was not available at the time of publication and will be circulated separately.

28. **SCHEME OF DELEGATION - CONFIDENTIAL APPENDIX TO ITEM 13** For Information
Report of the Director of Human Resources

29. **EMPLOYMENT CASES AND SETTLEMENTS** For Decision
Report of the Comptroller & City Solicitor

30. **TOWN CLERK'S CONFIDENTIAL UPDATE** For Information

For Information

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Establishment Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
	5 December 2017	<u>Maternity, Adoption & Shared Parental Leave</u> Members questioned why the costs could not be met from a central budget and it was agreed that a report back on alternative methods of funding should also be reported.	HR	Review January 2019	Chamberlain to Update
	26 February 2018	After a lengthy debate, members agreed that these payments should be funded centrally rather than by local risk budgets, recognising that a central budget would need to be top sliced from all departmental budgets. The Chamberlain advised that this would require a late adjustment to the budget but agreed to bring a report back to the Committee to implement Members' decision. RESOLVED - That a report proposing that maternity, adoption and shared parental pay be met from a central budget be brought back to the Committee to implement Members' decision	Chamberlain	Update Feb 2018	

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
	5 December 2017 26 February 2018	<u>Revenue Budgets</u> The Assistant Town Clerk reported that he was aware that there was currently no budget for Member's facilities such as stationary and furniture and it was agreed that this be considered and reported back in the general budget report.	Chamberlains/TC	TBC	Ongoing
	5 December 2017 15 January 2018 26 February 2018	<u>Register of Interests for Chief Officers</u> The DHR suggested that the guidelines for the Chief Officers Register of Interests should be reviewed.	HR	May 2018	
	15 January 2018 26 February 2018	<u>Volunteers</u> A strategic development meeting with Volunteering Working Group members and additional staff took place on for 9 January 2018, and Members requested that the slides from this session should be circulated to the Committee.	HR		Corporate Volunteering Strategy report coming May/June 2018

Committee	Dated:
Establishment Committee	25/04/18
Subject: Equalities and Inclusion Update	Public
Report of: Director of Human Resources	For Decision
Report author: Tracey Jansen, Towns Clerk's - Human Resources	

Summary

The report to Committee in February 2018 outlined the City Corporation's Gender Pay Gap submission. This report provides a more detailed analysis of the mean average Gender Pay Gap of 8.1% and mean average Bonus Gender Pay Gap of 14%.

The report also asks the Committee to endorse the proposed establishment of a Diversity and Inclusion Consultant and associated budget in HR to further the support and development of staff networks.

Recommendation(s)

Members are asked to:

- Note the report.
- Endorse the proposal to seek funding to establish a Diversity and Inclusion Consultant and associated budget to support and develop staff networks.

Main Report

Background

1. Further to my report in February 2018, this report provides a more detailed analysis of the data reported of our Gender Pay Gap (GPG) which has now been published in accordance with the Regulations on the Government website.
2. The staff networks have been established for 3 years now and have between them made a significant contribution to the equality and inclusion agenda in the City Corporation. They attend the Equality and Inclusion Board and have put on a range of events for their own members and wider all staff events. They have also been influential and contributed to HR policies and guidance such as the Transgender, Ramadan, Carers guides, and revisions to maternity and shared parental leave pay. All of them have however struggled with time commitment and administrative support and this has meant that they have limited ability to contribute to staff network events in the wider business community. It should be noted that the annual workforce profile report will be reported to the May

Committee and will include a summary of Equalities & Inclusion activities over the course of the year.

Current Position

3. The gender pays gap (GPG) as at the snap shot date of 31 March 2017 is as follows:

Pay rates	Gender pay gap - the difference between women's pay and men's pay as a percentage of men's pay		
Mean hourly rate	8.1% Lower		
Median hourly rate	1.4% Lower		
Pay quartiles	Women	Men	Total
Proportion of women and men in the upper quartile (paid above the 75th percentile point)	43%	57%	100%
Proportion of women and men in the upper middle quartile (paid above the median and at or below the 75th percentile point)	51%	49%	100%
Proportion of women and men in the lower middle quartile (paid above the 25th percentile point and at or below the median)	47%	53%	100%
Proportion of women and men in the lower quartile (paid below the 25th percentile point)	46%	54%	100%
Bonus pay	Bonus Gender Pay Gap - the difference women's bonus and men's bonus as a % of men's bonus		
Mean bonus	14% Lower		
Median bonus	0%		
Bonuses paid	Women	Men	
Who received bonus pay	11%	13%	

4. A comparison with other public and private sector organisations is attached as Appendix 1. The full GPG reporting across all industries can be accessed at <https://gender-pay-gap.service.gov.uk/>.
5. Members are reminded that the GPG calculation is based on the total monetary pay bill. The overall impact of this is that it is heavily influenced by the general gender split in the organisation and where the difference in male female split is greater towards the top end of the pay scale then this is compounded even further. This produces some interesting results across industries and so for example many local authorities have for many years had more women than men employed and in turn more women have reached the senior levels in the organisation. This results in a smaller GPG and in some cases a negative one. In

other situations, bonuses may not exist or are extremely limited. In one known case one person gets a bonus who happens to be male which in turn has led to a 100% bonus GPG even though the mean average pay gap is very small.

6. Because the GPG is based on the total pay, so for example includes responsibility allowance in schools, unsocial hours payments and market forces supplements, it is difficult to compare to our grades consistently, but as a very rough guide:

Upper quartile:	Grade G and above
Upper middle quartile:	Grade E to F
Lower middle quartile:	Grade C to D
Lower quartile:	Grade A to B

7. Whilst we cannot change the formula, the figures do require some further analysis to better understand the reason for the gaps. However, the formula is consistently applied across employers and provides us with useful insight as to how to address any imbalances where this is possible. We have looked more closely at the mean hourly rate GPG (8.1%) and the Bonus GPG of 14%.

Gender Pay Gap - mean hourly rate (8.1%)

8. The overall percentage of the workforce at the snap shot date was 44.79% female and 55.21% male. Compared to the GPG table this indicates that women are over represented in the lower quartiles and under-represented in the upper quartile.
9. Mean pay includes basic pay and other payments. Members will be aware that our grades which determine basic pay are defined by the job evaluation scheme. The vast majority of other payments relate to responsibility allowances paid to teachers in the three city schools for example in relation to a head of department duties or undertaking additional roles such as school timetabler. The schools overall have a 58% female: 42% male workforce. Other payments include unsocial hours and market forces supplements and we have looked at these more closely.
10. Unsocial hours payments are contractual payments for weekend and evening/ night work. The types of occupations that attract such additional payments include security staff, gardeners and other work where service delivery is for either extend hours or 24/7 cover. Most of these professions tend to, but not exclusively so, relate to work which is traditionally undertaken by men. However, they apply to a relatively small number of people and make up a very small part of the total monetary pay bill so do not significantly impact the overall mean average GPG.
11. Market forces supplements (MFS) make up an even smaller part of the overall total pay bill but as they are agreed on a case by case basis some further analysis has been conducted and this indicates that:

- MFSs are concentrated mainly in the higher grades (grade G and above)

- proportionately more men than women receive an MFS
 - men in receipt of an MFS get higher MFS Payments on average compared to women
12. MFSs are agreed by the MFS Board with higher awards referred to the Establishment Committee for approval. The business case for Chief Officers to apply for or renew an MFS includes independent benchmarking and also information about others posts that are or could be impacted. All agreed MFS's are reported to the Establishment Committee as part of the Scheme of Delegations regular report. We are confident that overall these are appropriately scrutinised and as with unsocial hours payments these do not in any event impact on the mean average GPG. However, going forward we will include the total MFS gender breakdown in the Scheme of Delegations report.
13. The further analysis of pay has not indicated any specific additional pay elements that account for the GPG and as noted above basic pay is subject to a robust job evaluation scheme and this also ensures that we can defend any equal pay challenge. Given that the mean average hourly rate is based on the total monetary pay bill, and taking into account the further analysis of the main additional pay elements, we conclude that the mean hourly rate GPG of 8.1% is related in general to the proportion of male to females and this is further compounded because of the under representation of women in the upper quartile and conversely the over representation of women in the lower quartiles.
14. As part of our equalities and inclusion action plan and in particular our attracting talent project we have already established and reported on a range of initiatives to attract a wider pool of candidates and specifically encouraging women into senior roles. A further summary of these initiatives and progress to date will be reported in May along with the Annual Workforce Monitoring report.
15. With regard to the Reward Strategy this was reported to the Committee at its meeting on 9 April and a full Equality Assessment will be conducted and kept under review as part of that work programme.

Bonus Gender Pay Gap (14%)

16. The second area that we have looked at in closer detail is the Bonus GPG which is the difference between women's bonus and men's bonus as a percentage men's bonus. Bonus payments can be described as one of the following:

Bonus incentive schemes related to task completion (these make up 3.24% of all bonus payments)

17. We have one such scheme covering 5 employees all of whom are male and on lower grade bands. As such they have little impact on the overall Bonus percentage.

Honoraria payments (these make up 11.43% of all bonus payments)

18. These relate broadly to outstanding performance not recognised under the Recognition Rewards and Contribution Pay Schemes or could be in relation to partial acting up duties (generally when these are shared between two or more colleagues). In some exceptional circumstances it may be in recognition of substantial extra hours worked which could not be claimed as overtime or time off in lieu (staff on grade F and above are not eligible for overtime).
19. All honoraria are considered by the MFS Board. Amounts of more than £5k for Grade H and below, and all requests at Grade I and above are referred to the Establishment Committee for approval. The intention is to expand our quarterly Scheme of Delegation monitoring report to include these.
20. In relation to both types of honoraria they are regulated schemes approved by the MFS Board in the case of honoraria payments or by internal recruitment and selection processes in relation to acting ups and for which there is an HR Policy.
21. An analysis of these payments in the last financial year indicates that:
 - awards are concentrated in the higher grade (G-J)
 - compared to the City Corporation wide gender split (53.18% male 48.62% female), proportionately more men receive honoraria than women (54.41% compared to 45.59%)
22. These payments are a small part of the bonus GPG calculation and so do not impact significantly on the bonus GPG.

Recognition rewards and contribution pay (these make up 85.32% of all bonus payments)

23. These payments are made in accordance with our Pay Progression & Eligibility for Bonuses / Recognition Awards scheme and are linked to end of year appraisal objectives. These are verified through the appraisal moderation process at the departmental level.
24. We have analysed the payments made to men compared to women and also looked at eligibility for a payment. This indicated that overall 67.1% of eligible females receive a contribution payment compared to 63% of eligible males. However, at the more senior level (grade G and above) less women receive a payment than men (33 females compared to 71 males) which broadly reflects the reduced number of female in more senior grade.

Creation of a Diversity Equality & Inclusion Consultant post

25. Members of the Committee will be aware of the progress being made to continue to support and grow the staff networks. The staff networks do continue to struggle with the general maintenance, organisation of their events and outreach work. Whilst we have had the benefit of working with Radius for some time now who specialise in supporting and developing staff networks, because of the pressure

on their time, the network leads do not often avail themselves of these developmental or networking opportunities. When we established the staff networks the idea was that they should be self-sufficient and there was no HR resource allocated or budget provision specifically made.

26. We also have limited ability to undertake work in the City as part of the employability strategy to demonstrate best practice and being a model employer and have relied on colleagues in EDO to undertake this role. We are also supporting as an employer, commitments to the women in finance charter, the social mobility agenda, responsible business and the education strategy all of which are of interest to the staff networks. Members will be aware of the other initiatives in HR that are influencing and shaping the ED&I agenda.
27. We are making good progress as an employer with the E&I Action plan, attracting talent, and responding to GPG but we are not resourced to take the next step and develop the City Corporation as a credible voice and influence in the wider City and beyond in relation to staff networks, diversity equality and inclusion. We are in a unique position of having our public sector equality duty experience and good employment practice but at the same time we have links with the City organisations who are driving the business case for linking DE&I to the corporate social responsibility agenda, public relations and marketing. We also propose to join Stonewall and measure ourselves against their Workplace Equality Index which is an established and highly regarded benchmarking tool which whilst focussing on LGBT can also be used to assess our performance in relation to other protected characteristics.
28. It is therefore proposed to seek funding for a Diversity and Inclusion Consultant role with an associated budget to sit within HR initially to:
- support the development of our own networks and their sponsors to become more influential in the City
 - act as an Ambassador in the City promoting the benefits of staff networks and diversity equality and inclusion
 - develop employer networks interested in creating and supporting their own staff networks with a view to sharing knowledge and experience
 - work collaboratively to deliver cross organisation events and best practice, establishing the City Corporation as a key player and influencer in the City and beyond.

Options

29. We are required to publish our Gender Pay Gap and we have complied with this requirement.
30. We have established our staff networks and could continue with the current arrangement. Alternatively, we could provide them with greater financial support to put on events and/or allocate fixed release time to undertake their work within the City Corporation.

Proposals

31. Member are asked to note the more detailed analysis of our GPG. The Committee is asked to consider and support the business case for the establishment of a Diversity and Inclusion Consultant to support and develop staff networks and with an associated budget provision.

Corporate & Strategic Implications

32. This report supports and complements the Corporate Plan aim to contribute to a flourishing society and the HR Business Plan - attracting talent project and delivering the E&I Action Plan.

Implications

33. Subject to the Committee's endorsement a report will be made to the Resource Allocation Sub Committee seeking funding for the post of Diversity and Inclusion Consultant. The estimated cost of the post with on costs is £66005 (mid-point of Grade F plus on-costs).
34. Given the nature of the role and the need to further support the networks, it is proposed that additional budget provision of £20k is requested to support the post holder in maintaining and further developing the networks, hosting events, securing key speakers, and developmental initiatives. It is also proposed that we continue membership of Radius who is our partner organisation that specialises in Staff Networks and that we become members of Stonewall.

Conclusion

35. As noted in the report the GPG calculations are based on the total monetary pay bill and as there are more men employed and particularly at the most senior grades, this impacts on the mean percentage pay and bonus calculation. Our Job Evaluation scheme ensures that we have equal pay for work of equal value. Our additional payments are moderated, and we will continue to monitor and report to Committee on them. To reduce our GPG and bonus GPG significantly, we can only achieve this by increasing the number of women employed and particularly at the higher grades. Our attracting talent project and wider E&I initiatives are aimed at addressing this and will be reported in more depth to the next meeting of the Committee, but this is not an issue that can be delivered in a short timeframe.
36. The establishment of a dedicated resource to support the work of the networks and diversity and inclusion agenda will not only assist us with delivering a more balanced workforce but also have an impact on the wide business community.

Appendices

- Appendix 1 – GPG comparison Table

Background Papers

Gender Pay Gap Report to Establishment Committee February 2018

Tracey Jansen

Assistant Director of Human Resources

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	Women's hourly rate is		Women's bonus pay is		Who received bonus pay	
Employer Name	Difference in Mean Hourly Rate (percentage)	Difference in Median Hourly (percentage)	Difference in Mean Bonus (percentage)	Difference in Median Bonus (percentage)	Male Bonus (percentage)	Female Bonus (percentage)
Sample of London councils plus City of London:						
Barnet Council	-5% Higher	0% Lower	0% Lower	0% Lower	0%	0%
City London Corporation	8.1% Lower	1.4% Lower	14% Lower	0% Lower	13%	11%
Southwark Council	-10.7% Higher	-10% Higher	73.9% Lower	54.1% Lower	4.1%	0%
Westminster City Council	9.8% Lower	5.4% Lower	16.4% Lower	16.7% Lower	14.7%	13.1%
Sample comparisons (excluding councils):						
Bank of England	21% Lower	24.2% Lower	23.6% Lower	25.6% Lower	87%	89%
Department for Education	5.3% Lower	5.9% Lower	0.8% Lower	0% Lower	67%	72%
Greater London Authority	9% Lower	6.1% Lower	4.9% Lower	5.3% Lower	11.7%	8.6%
HM Revenue and Customs (HMRC)	8.9% Lower	12.5% Lower	9.1% Lower	0% Lower	54.3%	55.6%
KPMG UK Ltd	22.3% Lower	22.1% Lower	51.3% Lower	27.6% Lower	86.2%	85.8%
UK Power Networks (South East Services) Ltd.	4.7% Lower	2.9% Lower	76.7% Lower	79.1% Lower	79.7%	65.0%
Unilever UK Ltd	-8.8% Higher	-1.3% Higher	-52% Higher	-44.7% Higher	97.4%	97.3%

Committee(s)	Dated:
Establishment Committee	25 April 2018
Subject: Mental Health and Wellbeing Policy	Public
Report of: Director of Human Resources	For Decision
Report author: Justin Tyas, Health Safety and Wellbeing Manager	

Summary

Mental ill-health and stress are associated with many of the leading causes of disease and disability in our society. Promoting and protecting the mental wellbeing of the workforce is important for individuals' physical health, social wellbeing and productivity.

Addressing workplace mental wellbeing can help strengthen the positive, protective factors of employment, reduce risk factors for mental ill-health and improve general health. It can also help promote the employment of people who have experienced mental health problems and support them once they are at work.

The proposed *Mental Health and Wellbeing Policy*, grounded in current best practice, will contribute to outcomes required in our new corporate plan: *people enjoy good health and wellbeing* by providing a framework that will encourage and facilitate working practices and services and help support employee health and wellbeing.

Recommendation(s)

Members are asked to:

- Note the report and approve the Mental Health and Wellbeing Policy attached as Appendix 1.

Main Report

Background

1. Estimates of occupational ill-health from the Labour Force Survey of Great Britain indicate that 1.3 million workers suffering from work-related ill health (new or long-standing) in 2016/17, which were classified as:

- Stress/anxiety/depression (40%)
- Musculoskeletal disorders (MSDs) (39%)
- Other types of illness (21%)

2. According to the Mental Health Taskforce one in four people will experience some form of mental health issue in any given year. The Chief Medical Officer, (Department of Health) indicates that mental illness is the largest single source of burden of disease in the UK – no other health condition matches mental illness in combined extent of prevalence, persistence and breadth of impact.
3. The *Thriving at Work* report commissioned by the Prime Minister was issued in October 2017, and it sets out ways that businesses and government can make a combined effort of boosting employee mental health.
4. Some of the starkest statistics from this (Thriving at Work) report were:
 - Poor mental health costs employers £42bn a year
 - The annual cost of poor mental health to the British economy is £99bn
5. Such large numbers do not describe the human cost of mental ill-health
6. The report reviewed how investing in supporting mental health issues in the workplace would be beneficial for both businesses and employee productivity. The most important lessons to be learned were that all employers, no matter the size or industry, must try and enforce six '*mental health core standards*', these are:
 - Create a mental health at work plan
 - Build mental health awareness by making information and support accessible
 - Encourage open conversations
 - Provide good working conditions and ensure employees have a healthy work-life balance
 - Promote effective people management, with line managers holding regular conversations about health and well-being with their employees
 - Routinely monitor employee mental health

Current Position

7. Sickness absence reporting (rolling year) to February 2018 at the City of London Corporation indicates that the top three recorded reasons for absence were:
 - Anxiety/stress/depression/other psychiatric illnesses (1st)
 - Cold, Cough, Flu (2nd)
 - All MSD problems -including back and neck problems (3rd)
8. Mental ill-health and MSDs are often skewed towards longer-term absence. A manager will be aware if an employee considers any sickness to be work related or not and will manage sickness accordingly. However, only the type of sickness is recorded for monitoring purposes and so it is not possible to differentiate between absence due to home and/or work factors in the statistics.

9. CityWell is the City Corporation's employee health and wellbeing strategy. The aim has been to establish a resilient health and wellbeing programme which continues to develop and adapt to the changing needs of City Corporation employees over the life of the strategy.
10. The CityWell strategy is a strong employee brand and has helped embed the wellbeing programme at the City Corporation since 2015. CityWell actively supports the *This is Me* campaign, a Lord Mayor's mental health charity. In addition, the Town Clerk signed the *Time to Change Pledge*, committing to take action to end mental health discrimination
11. The corporate Health Safety and Wellbeing Strategy 2018 – 23 has six strategic themes including:
 - **Tackling work-related ill-health:** Developing the wellbeing of our workforce, reducing the stigma around mental ill-health, and providing a safe and healthy working environment
12. The mental health *core standards* are being imbedded within the corporate wellbeing strategy.
13. City Corporation has an *Organisational Stress Policy*. However, it has not been reviewed for some time and may no longer be fit for purpose. The policy is focused on 'stress' rather than a more holistic approach, which is to consider mental health and wellbeing as a continuum; reflecting current thinking and best practice. The policy arrangements are incorporated within the Mental Health and Wellbeing Policy.

Proposals

14. To develop and implement a holistic *Mental Health and Wellbeing Policy* grounded in current best practice. Thus, providing a framework within which the City Corporation encourages and facilitates working practices and services, supporting employee health and wellbeing; minimising wherever possible the detrimental impact of organisational stressors on all staff and their work; and ensuring that staff are appropriately supported.
15. As an employer we aim to create and promote a culture where employees can talk openly about their job and mental health problems and to report difficulties without fear of discrimination. The proposed mental health and wellbeing policy supports this aim.

Corporate & Strategic Implications

16. The above proposal relates to the draft Corporate Plan (2018 - 23), where a corporate outcome within the strategic objectives as health and wellbeing. Specifically, that *people enjoy good health and wellbeing*.
17. The Human Resources Business Plan (2018 – 19) includes the embedding of the new corporate plan and its objectives; contributing to a flourishing society.

Conclusion

18. Everything we do must support delivery of the new Corporate Plan and our top-level objectives include people being healthy and safe at work. The City Corporation signed the 'Time to Change' pledge and committed to act to reduce mental health discrimination. The proposed mental health and wellbeing policy supports these aims.

Appendices

- Appendix 1 – Mental Health and Wellbeing Policy (draft 1.3)

Justin Tyas

Health Safety and Wellbeing Manager – Human Resources

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DRAFT 1.3

HSP XXX - Corporate Mental Health & Wellbeing Policy (Incorporating the Stress at Work Policy)

VERSION number	01-00
DATE	May 2018
REVIEW DATE	May 2021
AUTHOR	Justin Tyas
Approved by	Establishment Committee

This Policy can only be considered valid when viewed via the CoL Intranet website. If this document is printed in hard copy or saved to another location, you must check that the version number on your copy matches that of the one on-line.

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2. Policy Statement
3. Purpose of the policy
4. Scope
5. Definitions, terminologies and legal responsibilities
6. Interactions with other policies and guidance
7. Responsibilities
8. Monitoring & Review

POLICY

1. Introduction

Mental ill-health issues are common, especially depression, anxiety and those associated with misuse of alcohol and other drugs. Research indicates that one in four persons experiences some form of mental health challenges issue during a year. Throughout the course of any person's life it is highly likely that they will either develop mental ill-health or have close contact with someone who does.

Many people are often not well informed about mental health issues including about what effective treatment and support may be available. In addition, there are numerous myths and misunderstandings about mental ill-health which can reinforce the stigma associated with it.

Stigma involves negative attitude (prejudice) and discrimination refers to negative behaviour. Stigma can have several adverse effects. It may lead to people hide their difficulties from others. People often feel ashamed to discuss mental ill-health and may be reluctant to seek treatment and support. The longer people delay getting help and support, the more difficult recovery may be.

Mental ill-health and stress (excessive pressure) can be associated; the symptoms and signs of some of the more common mental ill-health conditions and stress can be similar. Stress may result in mental ill-health conditions when it is experienced over a longer time. However, mental ill-health and stress can exist independently. In practice, it can be difficult to distinguish when '*stress*' turns into a '*mental ill-health problem*' and when existing mental ill-health problems become aggravated by stress at work and/or from elsewhere.

A more holistic approach to mental health is to consider it as being a continuum that can change over time and will be different from person to person. It is possible for a person with a diagnosis of mental ill-health to be coping at a point in time and experiencing positive mental health. It is equally possible for a person with no diagnosed mental illness or disorder to be experiencing mental health challenges. There are no absolutes.

2. Policy statement

The City of London Corporation (City Corporation) has a duty to ensure the health, safety and welfare of all its employees. It aims to establish a positive health and wellbeing culture that includes awareness and understanding, effective processes, and positive behaviour by staff at all levels. The City Corporation recognises that mental and physical health and wellbeing are equally important and acknowledges the potential impact that work can have on both. Well-designed work and management process / behaviours and attitudes can have a very positive impact.

Everything we do must support delivery of the Corporate Plan and our top-level outcomes include *people enjoy good health and wellbeing*. The City Corporation signed the public 'Time to Change' pledge and committed to act to reduce mental health discrimination.

3. Purpose of the policy

This policy provides a framework within which the City Corporation will encourage and facilitate working practices and services that support employee health and wellbeing; minimise wherever possible the detrimental impact of organisational stressors on all staff and their work; and ensure that staff are appropriately supported in their workplace.

The City Corporation will

- promote health and wellbeing through its management policies and support services;
- prevent, so far as is practicable, those circumstances detrimental to health and wellbeing;
- provide a culture where all health and wellbeing issues can be discussed openly in a supportive way;
- provide a working environment free from bias and stigma, and where staff who have health difficulties receive appropriate support and consideration of reasonable adjustments to allow them to achieve their full potential;
- monitor and review indicators of organisational health and wellbeing, and to take steps to respond where issues are identified;
- seek to ensure that those who support or manage staff who are experiencing health and wellbeing issues are themselves supported as they respond to the needs of colleagues;
- improve understanding and awareness of health and wellbeing issues and the support available both within and outside of the City Corporation;
- consult with recognised trade union safety representatives on all proposed action relating to the prevention of mental ill-health.

4. Scope

This policy applies to all staff employed by the City Corporation. While recognising that the City Corporation has a legal obligation to manage work-related factors that could harm employees' health and wellbeing, including work-related stress, wellbeing is affected by situations at work and outside of it. As a good employer, this policy makes no explicit distinction between work-related and personal factors in supporting employee health and wellbeing. However, it is acknowledged that the City Corporation has a greater responsibility to those factors at work that may be causing or contribution to mental ill-health.

5. Definitions, terminologies and legal responsibilities

5.1 Wellbeing and mental health

Mental health is a state of wellbeing in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully and is able to contribute to his or her own community. In order to avoid stigmatised terms which may deter staff from accessing the guidance and support required at work, in this policy the terms **health and wellbeing** are used as alternatives to **physical and mental health**.

5.2 The law

The City Corporation has a statutory duty under the Health and Safety at Work etc. Act (1974) to ensure the health, safety and welfare of all its employees. The Act also places a general duty on the employee to co-operate with his/her employer to enable that duty to be complied with. The City Corporation will support and promote policies and practices which uphold this statutory duty and any statutory requirements made under the Act including the duty to undertake risk assessments.

5.3 Stress

Stress is a physical and psychological reaction when pressures and demands are beyond an individual's ability to cope at that time. In the workplace, it is important to distinguish between excessive pressure and demands from those that are reasonable and provide stimulating and challenging work. Much will depend on an individual's ability to cope with the pressures and demands placed upon them at that particular time, and different individuals will have differing abilities to cope.

5.4 Equality

Under the Equality Act 2010 employers have a duty not to discriminate against employees on account of their disability as defined under the Act. This involves considering reasonable adjustments to the workplace or to the way the work is done, if the existing working arrangements or physical features place the disabled person concerned at a substantial disadvantage.

6. Interactions with other policies and guidance

This Policy supports and is aligned with other City Corporation policies and guidance which offer further information to staff in relation to health and wellbeing, including but not limited to:

- Health Safety and Wellbeing Policy
- Drugs and Alcohol Misuse Policy
- Supporting Employees with Caring Responsibilities
- Transgender Equality
- Sickness Absence Policy
- Stress Risk Assessment Guidance
- Employee Assistance Programme
- Union Recognition
- Internal Responsible Business strategy

This Mental Health and Wellbeing Policy should be read in conjunction with another key City Corporation documents including the above.

Attention is drawn to:

This policy and the General Data Protection Regulations (GDPR) Policy and Guidance
While all dealings with staff are subject to the City Corporation's GDPR Policy, confidentiality is often of paramount importance to those experiencing wellbeing difficulties. However, that confidentiality may be necessarily breached where the individual is deemed to be a risk either to him/herself or to other people. The safety of the individual and/or the safety of other members of our community must take precedence over confidentiality.

This policy and the Equality and Inclusion Policies and Guidance

The City Corporation also aims to provide an inclusive, respectful and discrimination-free work environment for our staff. We will use best practice in employment in accordance with legislation to ensure that employees feel respected and able to give their best. As far as possible, we would like our workforce to be broadly representative of all sections of society.

7. Responsibilities

7.1 Responsibility of the City Corporation

The City Corporation is responsible for:

- promoting a culture of co-operation, trust and mutual respect;
- providing support and advisory services through the Staff Counselling, Occupational Health Service, and the Employee Assistance Programme;
- providing information on resources and services external to the City Corporation;
- ensuring that there is advice and guidance on procedures to support staff experiencing health and wellbeing issues, and their colleagues/line managers;
- ensuring that framework is in place for mental health training and development;
- encouraging a non-stigmatising work environment for all staff within the City Corporation;
- ensuring sensitivity in disclosure and maintaining confidentiality unless it is clearly unsafe to do so.

7.2 Responsibility of Chief Officers, Assistants Directors, Head Teachers, Bursars and other Senior Officers.

The Chief Officers and other senior Officers are responsible for ensuring that health and safety issues reported to them, as senior line managers, are addressed at the appropriate level and in a timely manner. In the day-to-day management of health and safety matters within the various, departments, divisions or institutions, the responsibility lies with the senior operational manager (e.g. in a school, it is Bursar, in a division it is the Assistant Director). Tasks can be delegated; responsibility cannot.

7.3 The responsibility of managers

Managers are responsible for:

- risk assessing work-related stressors within their area of responsibility
- providing staff with wellbeing awareness information;
- defining clear roles for employees and ensuring that the employees are competent to undertake their roles;
- treating team members with consideration and dignity, and supporting steps taken to promote a culture of co-operation, trust and mutual respect;
- ensuring that any member of their staff who is affected by health and wellbeing issues is appropriately and sensitively supported;
- ensure that they are aware of guidance, policy and available support and advisory services in relation to health and wellbeing;

- undergo the City Corporation's mandatory mental health awareness training;
- ensure that they, and appropriate members of their staff, attend training on health and wellbeing;
- encouraging staff to participate in events and initiatives undertaken by the City Corporation to promote wellbeing;
- supporting and encouraging flexible working practices wherever practical to do so;
- take appropriate action where the performance and/or behaviour of a staff member may be causing distress to their colleagues

7.4 Responsibilities of all staff

All employees have a responsibility to take care of their own health and safety and that of others who may be affected by their actions. This includes:

- taking responsibility for their own health and wellbeing;
- informing their manager of health and wellbeing difficulties that affects them at work so that appropriate support can be put in place;
- raising concerns with their manager about work-place pressures and asking for help;
- participating in appraisals and responding to training and development opportunities;
- treating all team members with consideration and dignity and supporting steps taken to promote a culture of co-operation, trust and mutual respect;
- contributing towards a non-stigmatising culture;
- upholding confidentiality (wherever safety is not compromised);
- supporting peers within appropriate limits and boundaries.

7.5 Responsibility of Human Resources

Human Resources is responsible for:

- ensuring the provision of appropriate networks to support staff;
- supporting the management of sickness absence and monitoring employee turnover;
- providing advice and guidance to managers and employees and signposting support for health and wellbeing issues;
- advising on the Occupational Health referrals process and assisting managers with considering and implementing adjustments;
- facilitating appropriate arrangements to support individuals experiencing health and wellbeing issues; and their managers;
- supporting managers experiencing problems with employee performance and attendance;
- collating management information on sickness absence for the Sickness Advisory Group (SAG); and facilitating action where issues are identified;
- providing mental health awareness and prevention courses via the Corporate training programme.

7.6 Responsibility of the Health Safety and Wellbeing Team

The Health Safety and Wellbeing Manager is responsible for:

- providing guidance on risk assessments;
- conducting audits on the management mental health / stress through the audit programme;
- ensuring the H&S and Wellbeing Consultative Committee provides opportunities for discussion of health and wellbeing issues;
- Implementing and embedding mental health awareness training for all managers;
- Developing a Wellbeing Workplace Action Plan in consultation with other stakeholders through the CityWell programme;

- Developing a network of Mental Health First Aiders and Wellbeing Ambassadors.

7.8 Responsibility of Occupational Health

The Occupational Health Service is responsible for:

- Providing advice at recruitment regarding fitness to work and reasonable adjustments;
- Advice in relation to return to work following ill health or injury;
- Advice on maximising attendance including lifestyle advice;
- Facilitating referral to in house rehabilitation and external support networks;
- Offering timely appointments for work related health issues on management referral and providing reports on functionality and reasonable adjustments;
- Conducting statutory health surveillance and advising on statutory requirements in relation to risk assessment and the prevention of work related ill-health.

8. Monitoring & Review

The Health Safety and Wellbeing Team has lead responsibility for reviewing this policy and reporting to the Corporate Health Safety and Wellbeing and other committees as required.

This Policy will be reviewed on a regular basis at no more a than three yearly intervals.

Revisions

Version	Page/ Para No	Description of change	Date Approved

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Committee:	Date:
Strategic Resources Group (for decision)	9 February 2018
Summit Group (for decision)	27 February 2018
Chief Officers Group (for information)	12 March 2018
Establishment Committee (for information)	25 April 2018
Finance Committee (for information)	10 April 2018
Subject:	Public
Eradication of Procurement Code Breach Waivers (Retrospective waivers)	
Report of:	For Information
The Chamberlain	
Report author:	
Chris Bell, Commercial Director for City Procurement, Chamberlain's Department	

Summary

Finance Committee on receipt of the annual waivers report in July 2017 challenged City Procurement and Chief Officers to eradicate the use of retrospective waivers across the City. The following paper outlines the proactive and reactive steps proposed to meet that objective with a thorough communications campaign including the rebranding of retrospective waivers to 'Procurement Code Breaches' and a list of newly introduced sanctions aimed to be a deterrent as well as introducing a transparent method of correcting behaviours and investigating non-compliant incidents.

Recommendation

- Members are asked to note the planned 'Waiver Danger' communications campaign and the introduction of sanctions outlined in paragraph 12 for when a Procurement Code Breach waiver (formally retrospective waiver) is required effective 1 April 2018.

Main Report

Background

- A waiver is a document that is used to seek approval not to follow the City Corporation's standard competitive procurement process. There are a number of compliant reasons for a waiver to be granted in exceptional circumstances provided the appropriate authorisation is obtained.
- A Procurement Code Breach waiver is a non-compliant purchase that has not been managed by City Procurement; has not followed our Procurement Code or Standing Orders; and in certain cases, may breach the Public Contracts Regulations 2015. Its purpose is to allow the City to pay its contractual obligations and record the spend as non-compliant.
- Members have asked City Procurement and Chief Officers to work together to eradicate the use of Procurement Code Breach waivers across the City Corporation.

Proactive Steps – Communication Campaign and Reporting

4. As recommended by Finance Committee, the Annual Waivers Report 2016/17 was circulated to all spend committees for information to Members.
5. The urgent process to approve waivers has been brought in line with the urgent committee process so all waivers over £50,000 will be brought to the relevant spend committee or signed off by the Town Clerk in consultation with the chairman and deputy chairman of the spend committee.
6. In FY 2017/18, City Procurement requested an audit of how waivers are processed by City Procurement. A number of recommendations have been proposed to the Audit and Risk sub-committee including the recommendation of another non-compliant waiver reason, 'Poor Operational Planning', which will be used from 1 April 2018.
7. City Procurement propose to rebrand retrospective waivers as 'Procurement Code Breaches' to heighten the language used when referring to these waivers drawing parallels to the risk posed by their use. As with 'Poor Operational Planning', 'Procurement Code Breach' will be introduced as a reason on the waiver form. This is to provide continuity in reporting.
8. City Procurement propose a communications campaign – 'Waiver Danger' – as a reminder to the City Corporation the relevant rules in the Procurement Code around waivers and specifically the risks of using Procurement Code Breach waivers. This campaign will run in a similar style to other successful messages sent by City Procurement such as No PO No Pay. It will feature on the new intranet pages, Police/Barbican intranets, sent out as email reminders, cascaded down through City Procurement's departmental liaisons, be featured at category boards, and marketed throughout the Guildhall complex.
9. City Procurement will continue to provide quarterly reports to relevant managers throughout the City Corporation and Finance Committee as part of the City Procurement quarterly update, so Members have oversight.
10. City Procurement will work with Corporate Human Resources to include a section in the induction pack for members of staff with buying responsibilities highlighting the Procurement Code and where to find information about buying at the City Corporation.
11. An annual email will go to chief officers and officers with delegated authority as a reminder of what a waiver is, the risks of Procurement Code Breach waivers, their role in approving waivers, and who to speak to in City Procurement if they have questions.

Reactive Steps - Recommended Sanctions

12. In conjunction with Corporate Human Resources, City Procurement will introduce the following sanctions as consequence for any officer who requires a Procurement Code Breach waiver after the 'Waiver Danger' campaign:

Below OJEU Thresholds

1	1 st Procurement Code Breach	Email reminder to requestor and line manager/ Chief Officer about the risks of retrospective waivers and information on the compliant route to market
2	2 nd Procurement Code Breach	Email reminder to requestor and line manager/ Chief Officer about the risks of retrospective waivers and information on the compliant route to market and obligatory waiver training course
3	3 rd + Procurement Code Breach	Formal letter from Commercial Director for City Procurement to the relevant Chief Officer regarding the Officer's conduct. The Chief Officer will take active consideration for further steps including disciplinary procedure .

Above OJEU Thresholds

4	1 st Procurement Code Breach	Compliance review & referral to Internal Audit. Depending on outcome this may be considered under disciplinary procedure
5	2 nd + Procurement Code Breach	Compliance review & referral to Internal Audit. Depending on outcome this may be considered under disciplinary procedure

13. Each non-compliant waiver will be considered on its merits with the appropriate action taken in agreement with the Chief Officer of the department responsible.

Conclusion

14. Members are asked to note the proactive and reactive steps being introduced in the new financial year by City Procurement and Human Resources to eradicate the use of Procurement Code Breach waivers. The communications campaign to educate the business and the new sanctions as deterrents/consequences should minimise their future use across the City and mitigate the risks posed by their continued use.

Author

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Committee(s):	Date:
Establishment Committee	25 th April 2018
Subject: Operation of the Scheme of Delegations October 2017 – March 2018	Public
Report of: Chrissie Morgan - Director of Human Resources	For Information
Report author: Marion Afoakwa – Human Resources, Town Clerks	

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'), ill health retirements and Market Forces Supplements (MFS) approved in the reporting period 1 October 2017 to 31 March 2018.

Recommendation

Members are asked to:

- Note the actions taken under delegated authority.

Main Report

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'), ill health retirements and MFS payments this reporting period.
2. There have been 7 redundancies in this reporting period.
3. There have been no ill health retirements.
4. There have been no early retirements including those made under the '85-year rule'.
5. 6 new Market Forces Supplements were agreed during this period.
6. In the last 12 months (April 2017 - March 2018) there have been 13 redundancies and 2 ill health retirements.
7. Appendix 1 (within the confidential section of the agenda) provides a table summarising the information.

Conclusion

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

Appendices:

Appendix 1 (within the confidential section of the agenda) - table summarising information for the period October 2017 to March 2018

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Committee:	Date:
Establishment Committee	25 April 2018
Subject: Decisions taken under delegated power since the last meeting of the Committee	Public
Report of: Town Clerk	For Information
Report author: Amanda Thompson, Town Clerk's Department	

Summary

This report advises Members of action taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman, since the last meeting of the Committee, in accordance with Standing Order No. 41(b).

Recommendation:

Members are asked to note the report.

Main Report

SUBJECT: Funding for Diversity Float – Pride London Parade – 15 February 2018

BACKGROUND:

At the Lord Mayor's Show 2017 the Committee supported the funding for a diversity float which was funded primarily by DCCS who provided project management and design input.

The Pride in London Parade is on Saturday 7th July 2018 and it is proposed to support City Pride our LGBT+ Staff Network to participate in the Parade.

The entrance fee needed to be paid by 22 February which was before the next meeting of the Establishment Committee on 26 February.

ACTION TAKEN UNDER URGENCY

Agreed to fund the cost of participating in the Parade from the Establishment Committee Contingency fund of up to £1000 for the entry cost of £700 and any further associated expenses.

SUBJECT: Joint Contact and Control Room (JCCR) – 13 March 2018

BACKGROUND:

At the Establishment Committee meeting on 26 February 2018, the Committee considered a report of the Assistant Town Clerk and Police Commissioner in relation to the Secure City Programme. The report sought approval for:

1. Approve the permanent transfer of the CCC within Town Clerk's department to the JCCR, under the management of the City of London Police with effect from 1st July 2018, subject to consultation with staff and unions.
2. Delegate to the Police Commissioner the power to approve and implement the new organisation structure for the JCCR, subject to consultation with staff and unions.
3. Consider whether Members wish to pay compensation in line with similar payments for redundancy situations for loss of office for any employees employed for 2 years or more who cannot transfer to the City of London Police and where the City of London Corporation are unable to find suitable alternative roles.

Members noted that the report did not clearly set out what was being proposed and asked that further clarification be provided. It was agreed that once this clarification was obtained, approval could be taken under delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman.

On 1 March 2018, following approval of the report at the Police Committee, the Assistant Town Clerk provided the Chairman and Deputy Chairman of the Establishment Committee with further information as requested. The Chairman and Deputy Chairman agreed that the information provided was sufficient for the report to be approved under delegated authority.

ACTION TAKEN UNDER DELEGATED POWERS

The Town Clerk, in consultation with the Chairman and Deputy Chairman:

1. approved the permanent transfer of the CCC within Town Clerk's department to the JCCR, under the management of the City of London Police with effect from 1st July 2018, subject to consultation with staff and unions;
2. delegated to the Police Commissioner the power to approve and implement the new organisation structure for the JCCR, subject to consultation with staff and unions; and
3. considered whether Members wish to pay compensation in line with similar payments for redundancy situations for loss of office for any employees employed for 2 years or more who cannot transfer to the City of London Police and where the City of London Corporation are unable to find suitable alternative roles.

Contact:

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