

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD3117

### Title: Statutory Officer Protocol

#### Executive Summary:

The Statutory Officer Protocol is one of the GLA's core governance documents. It sets out the rules and regulations regarding the three statutory officers: the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer. It makes provisions regarding their recruitment, selection and appointment, disciplinary procedures and sickness absence, and sets out the role of the Mayor and Assembly within each of these.

The Protocol was last updated in 2018. It has been refreshed to take account of the changes in legislation since, but its fundamental principles remain unchanged.

As the Mayor and Assembly are jointly responsible for the above matters, it requires joint approval by them. It is also scheduled to be considered by the Assembly at its meeting of 8 February 2024.

#### Decision:

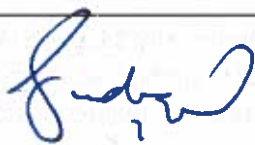
That the Mayor, acting jointly with the Assembly, approves the revised Statutory Officer Protocol, as appended to this decision form.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

8/2/24

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. The Statutory Officer Protocol (the Protocol) is one of the GLA's core governance documents. It sets out the rules and regulations regarding the three statutory officers: the Head of Paid Service (Chief Officer), the Chief Financial Officer and the Monitoring Officer. It makes provisions regarding their recruitment, selection and appointment, disciplinary procedures and sickness absence, and sets out the role of the Mayor and Assembly within each of these.
- 1.2. The Protocol was last updated in 2018 (with the Mayor approving through Mayoral Decision (MD) 2395). While the fundamental principles of the Protocol remain unchanged, it has been refreshed to take account of the changes in legislation since, specifically the repeal of the Local Authorities Standing Orders Regulations 1993, which applied to the GLA under section 67(7) of the GLA Act. At the same time, the opportunity has been taken to set out more clearly and comprehensively how processes will operate at each stage, to ensure an appropriate degree of alignment with the GLA Disciplinary and Capability Policies and to bring the Protocol broadly in line with the Model Code of Conduct which operates for chief executives in local government (with some adjustments to reflect the different structure of the GLA).
- 1.3. The key proposed changes are as follows:
  - **Line management arrangements:** section 1 of the Protocol now includes a clear statement regarding line management arrangements.
  - **Role of Independent Persons:** the Protocol recommends the involvement of two independent persons in disciplinary and capability proceedings, reflecting best practice in the Model Code of Conduct. It is envisaged that Independent Persons will play an advisory and challenge function (but not have voting rights).
  - **Final Decision Making:** it is proposed that a Whole Authority decision is now only required in cases where a Review Panel makes a recommendation to dismiss, reflecting a more proportionate approach overall.
  - **Role of the Mayor:** the revised Protocol removes the scope for the Mayor to be personally part of a Review Panel, instead requiring that this role is delegated to up to two members of their staff. This reflects the fact that the Mayor will act jointly as a final decision maker in cases where the Whole Authority is required to determine a recommendation.
  - **Assembly Member involvement:** the role and function of Members remains as before, but the revised Protocol seeks to provide more clarity and flexibility about how Members are selected for involvement, removing the need for formal Assembly procedures in some places. In addition, the Protocol is now explicit about at which stages of the process requirements within Part 5A of the Local Government Act 1972 relating to transparency apply. An expectation in respect of politically proportionate representation within any process is retained.
  - **Severance payments:** the revised Protocol includes updated provisions in respect of severance payments, to move in line with new statutory guidance. Wider work is underway to update broader GLA procedure in this area – and this protocol will be in step with the GLA approach to severance payments for all staff (albeit with specific approvals processes, reflecting the particular position of statutory officers).
  - **Suspension:** the revised protocol clarifies the position in respect of suspension whilst the Panel's work is underway (including scope for managers to act where needed and pending Panel consideration).

- **GLA Terms and Conditions:** the Protocol sets an expectation that any proposed changes to the GLA standard terms and conditions will apply to the statutory officers (unless either the Mayor or Assembly seek separate consideration and approval).

- 1.4. As the Mayor and Assembly are jointly responsible for the matters set out in the Protocol, it requires joint approval by them. The revised Protocol is also scheduled to be considered by the Assembly at its meeting of 8 February 2024.
- 1.5. The statutory officers have been consulted on the revised Protocol, as it is considered a change to their Terms and Conditions. The statutory officers are content with the proposed changes.

## **2. Objectives and expected outcomes**

- 2.1. The objective of the Protocol is to set out clear and transparent processes that govern the selection, appointment, disciplinary review and sickness absence management of the GLA's statutory officers.
- 2.2. Adoption of a new Protocol ensures that a key governance document is kept up to date and fit for purpose.

## **3. Equality comments**

- 3.1. The procedures relating to the recruitment and appointment of the statutory officers, and their disciplinary and sickness matters will be conducted in line with the GLA's relevant equality policy and good practice. Proposed revisions to the Protocol are designed to bring it more closely in line with good practice within wider GLA policies, and the Model Code of Conduct.
- 3.2. There are no specific impacts of this decision identified on any groups sharing a protected characteristic under the GLA's Public Sector Equality duties under the Equality Act 2010.

## **4. Other considerations**

- 4.1. Key risks and issues: none specifically arising.
- 4.2. Link to Mayoral Strategies and priorities: up to date, published corporate governance documents contribute towards the Mayor's commitment to openness and transparency.
- 4.3. None of the three statutory officers have been involved in the drafting or clearance of this form owing to a conflict of interest. Officer oversight has been provided by the Executive Director of Secretariat. However, as described at paragraph 1.5 the statutory officers were consulted on the revised Protocol, as it is considered a change to their Terms and Conditions.

## **5. Financial comments**

- 5.1. This decision will have no direct financial impact on the GLA.

## **6. Legal comments**

- 6.1. The Mayor has the power to do what is recommended in this report.

## 7. Planned delivery approach and next steps

Activity	Timeline
Consideration by Assembly	8 February 2024
Publication	Following approval by the Mayor and Assembly
Scheduled review	February 2026

### Appendices and supporting papers:

Appendix 1 – proposed Statutory Officer Protocol.

## Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

## Part 1 - Deferral

**Is the publication of Part 1 of this approval to be deferred? NO**

## Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

## ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

### Drafting officer:

Andrew Nathan has drafted this report in accordance with GLA procedures and confirms the following:

✓

### Sponsoring Director:

Helen Ewen has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

### Mayoral Adviser:

David Bellamy has been consulted about the proposal and agrees the recommendations.

✓

### Advice:

The Finance and Legal teams have commented on this proposal.

✓

### Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 5 February 2024.

✓

## INTERIM EXECUTIVE DIRECTOR, RESOURCES AND BUSINESS IMPROVEMENT:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature:**



**Date:**

08/02/2024

## CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature:**



**Date:**

08/02/2024

