

GLA Head of Paid Service Staffing Protocol and Scheme of Delegation

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Staffing Protocol

1. Staffing powers of the Head of Paid Service

- 1.1 The Greater London Authority (GLA) Act 1999 as amended (the Act) sets out that GLA staffing matters are vested in the Authority's Head of Paid Service (HoPS) with two exceptions:
 - The GLA's statutory officers – i.e. the HoPS (Chief Officer), the Chief Financial Officer and the Monitoring Officer, who are jointly appointed by the Mayor of London and London Assembly and whose appointment and conduct is governed by the Statutory Officers – Staffing Protocol; and
 - Those GLA staff (up to 13 in total) who are appointed by the Mayor and whose appointment and conduct is governed by the Protocol on Mayoral appointments. It should be noted that the Greater London Returning Officer (GLRO) is a statutory role, appointed by the Mayor, and so falls into a category of its own.
- 1.2 The HoPS is responsible for creating and deleting posts, making appointments, and determining terms and conditions of employment for GLA staff. The HoPS undertakes these functions having first consulted the Mayor and Assembly.
- 1.3 This Protocol sets out the various procedures that should be followed by the HoPS or by officers acting on behalf of the HoPS.

2. Scope

- 2.1 This document is concerned only with employees of the GLA, also referred to as staff. It is not concerned with the engagement or use of agency workers or consultants.

3. Recruitment to established staff posts

- 3.1 HoPS approval is not required to recruit permanent or temporary employees to established staff posts, but such recruitment must comply with the HoPS Scheme of Delegation, the requirements of this Protocol and any other relevant procedures of the GLA.
- 3.2 The appointments process must follow that set out in this Protocol.
- 3.3 Recruitment to established posts will be reported to the HoPS through a six-monthly report, which will be sent for information to the Chief of Staff on behalf of the Mayor and to the London Assembly's staffing committee, as defined by the Assembly's Standing Orders, on behalf of the Assembly.

4. Appointments to established staff posts

- 4.1 The Assistant Director of Human Resources & Organisational Development (AD of HR & OD) is responsible for administering the appointment panel arrangements for all of the posts listed below.

Executive Director posts (except the Executive Director of Secretariat)

- 4.2 The appointment panel will comprise the HoPS (as chair of the panel), the AD of HR & OD and, if appropriate, either another Executive Director or a statutory officer.
- 4.3 In addition, the HOPS can invite the Assembly to nominate one Assembly Member and invite the Mayor or his/her nominee, to sit on the appointment panel. The HOPS can also invite external experts to sit on the panel. The Assembly Member, the Mayor or his/her nominee, and any external experts will be able, subject to any direction from the Chair of the Panel, to participate in the interview process but will not be able to vote on the appointment.

Staff to be appointed to the Mayor's Office or to be managed by a Mayoral appointee

- 4.4 For these posts, the HoPS delegates responsibility to a HoPS appointed officer to determine the composition of the appointment panel, which makes the appointment.
- 4.5 Mayoral appointees can attend and, subject to any direction from the chair of the panel, participate in the appointment panels for Assistant Director or Head of Unit posts but will not be able to vote on the appointment.

Secretariat posts

- 4.6 The Appointments panel for the Executive Director of Secretariat will, at a minimum, comprise the HoPS (as chair of the panel), the AD of HR & OD and, if appropriate, either an Executive Director or a statutory officer.

- 4.7 In addition, the HoPS will invite the Assembly to nominate Assembly Members, and can also invite external experts, to sit on the appointment panel for the Executive Director of Secretariat. The Assembly Members, and any external experts, will be able, subject to any direction from the chair of the panel, to participate in the interview process but will not be able to vote on the appointment.
- 4.8 For all other Secretariat posts, the HoPS delegates responsibility to the Executive Director of Secretariat (for Assistant Director or Head of Unit posts) or to the relevant Assistant Director or Head of Unit (for other posts below Assistant Director or Head of Unit level) to determine the composition of the appointment panel.
- 4.9 For Assistant Director or Head of Unit posts in the Secretariat, Assembly Members can attend and, subject to any direction from the chair of the panel, participate in the appointment panels but cannot vote on the appointments.

Other staff

- 4.10 The HoPS is responsible for making appointments to these posts.
- 4.11 The HoPS delegates responsibility to the relevant Executive Director (for Assistant Director or Head of Unit posts) or to the Assistant Director or Head of Unit (for other posts) to determine the composition of the appointment panel.

5. Restructures – creating or deleting staff posts

- 5.1 The HoPS will consult the Chief of Staff, on behalf of the Mayor, and the Assembly's staffing committee, on behalf of the Assembly, on any major restructure; namely the creation or deletion of five or more posts within any one unit.
- 5.2 The HoPS is responsible for approving major restructures and this power is not delegated by the HoPS.
- 5.3 The HoPS will also inform the Chief of Staff (on behalf of the Mayor) and the Chair and Deputy Chair of the Assembly's staffing committee (on behalf of the Assembly) on any proposals for restructures involving fewer than five posts before taking a decision on them.
- 5.4 If the proposals for a minor restructure (involving fewer than five posts) are felt to be contentious, the Chief of Staff / Chair or Deputy Chair of the Assembly's staffing committee will ask that they be referred to the Chief of Staff (on behalf of the Mayor) and the Assembly's staffing committee (on behalf of the Assembly) for formal consultation in the same way as though there has been five or more posts proposed for creation or deletion.
- 5.5 It is expected that the majority of posts that are to be created or deleted will be addressed through the GLA's budget setting process, which is agreed by the end of February each year. In any event, and in all cases, the following must be done in the order set out below before seeking HoPS approval to proposals for a major restructure:

(i) Initial draft proposals as to the proposed new structure (i.e. creation or deletion posts) must be formulated by senior staff and sent to the relevant Executive Director so that it can be discussed with the HoPS; and

(ii) Where existing employees are affected by the proposals, formal draft proposals as to the proposed new structure must be set out in writing and sent out for consultation in line with the GLA's Management of Change procedure (the lead officer in HR & OD will advise on the appropriate period of consultation) concurrently to:

- All affected staff (as defined in the GLA's Management of Change procedure) via an email from lead senior officer for that area (Executive Director, Assistant Director or Head of Unit) – team meetings are often held right at the beginning of a consultation exercise;
- Unison via an email from the lead officer in HR & OD;
- The Chief of Staff (on behalf of the Mayor) via an email from the lead Executive Director; and
- The Assembly's staffing committee (on behalf of the Assembly) via a formal report to its next meeting (the clerk to the Assembly's staffing committee in the Secretariat can advise on the Assembly's staffing committee timetable of meetings and urgency procedure).

5.6 A report (with input from HR&OD, Legal and Finance & Governance) should be sent to the Chief of Staff and to the Assembly's staffing committee setting out:

- What decisions the HoPS is being asked to make;
- Which posts the HoPS is being asked to create, delete or change;
- In respect of each post that it is proposed to create, delete or change, brief details of the posts, including the team in which they are situated and / or will be situated, their responsibilities and their grades;
- Details of the current and proposed structures, including the relevant structure charts where appropriate;
- Why it is intended to restructure in the manner proposed;
- Why it is proposed to create, delete or change the posts as per the proposals, providing details in respect of each proposed creation, deletion or change to an existing post;
- How the proposed major restructure fits within the priorities of the Authority;
- Why it is considered that the proposed major restructure is necessary for the proper discharge of the Authority's functions;
- Details of how the proposed major restructure is achievable within the available resources of the Authority;
- Details of any equalities monitoring undertaken or proposed to be undertaken; and
- An implementation timetable.

5.7 After the consultation period had closed, a HoPS decision form (available on the GLA intranet or website) must be prepared and sent to the HoPS for approval. The form should set out the final set of proposals for approval and how the consultation feedback

from the Mayor / Assembly / staff / Unison has been incorporated or why it has not been possible to incorporate it.

- 5.8 The HOPS will only sign off the final set of proposals if he / she is satisfied that they:
- (i) Are achievable within the Authority's available resources;
 - (ii) Fit within the priorities of the Authority; and
 - (iii) Are necessary for the proper discharge of the Authority's functions.

6 Temporary staff posts

- 6.1 Any proposals to create a temporary staff post – defined as being up to two years in duration – must be approved by the Head of Paid Service.
- 6.2 These will be reported by the HoPS to the Chief of Staff (on behalf of the Mayor) and to the Assembly's staffing committee (on behalf of the Assembly) in a six-monthly report.

7. Terms and conditions

- 7.1 Terms and conditions for the purposes of this Protocol means terms and conditions of employment that apply to all GLA staff appointed by the HoPS and includes all employment policies and procedures (whether contractual or not).
- 7.2 The HOPS is responsible for determining terms and conditions for GLA staff (outside of the statutory officers and the Mayoral appointees) with the exclusion of staff transferred under a statutory transfer (TUPE). The Chief of Staff (on behalf of the Mayor) and the Assembly's staffing committee (on behalf of the Assembly) will be informed of any changes made to terms and conditions as a result of a statutory change.
- 7.3. Before seeking HoPS approval to proposals to change terms and conditions of existing employees, the following must be done:
- (i) Initial draft proposals as to the proposed changes must be formulated by the AD of HR & OD and discussed with the HoPS;
 - (ii) Formal draft proposals must be set out in writing and sent to Unison for consultation; and
 - (iii) The AD of HR & OD will seek Unison's agreement to the proposed changes through the Joint Consultative Committee (JCC).
- 7.4 Whether or not UNISON's agreement to the proposed changes is obtained, a report should be sent to the Chief of Staff (on behalf of the Mayor) and to the Assembly's staffing committee (on behalf of the Assembly) containing the proposed changes and appropriate background information.
- 7.5 A HoPS decision form must be prepared and then sent to the HoPS, setting out the changes proposed and how the consultation feedback is being incorporated or why that is not possible.

- 7.6 The HoPS may only approve the proposals for changing terms and conditions if, having considered all the information in the HOPS decision form (and the reports attached to it), he/she is satisfied that the proposals are appropriate, taking into account the:
- (i) Priorities of the Authority;
 - (ii) Need for the Authority to properly discharge its functions;
 - (iii) Available resources of the Authority; and
 - (iv) Need to comply with legislative changes / statutory requirements.

8 Other matters

- 8.1 For all matters or decisions that are not covered by sections 5, 6 and 7 above and which affect staff appointed by the HoPS, these must be dealt with or taken in accordance with the HoPS Scheme of Delegation (see below) and any other applicable policies and procedures.

9 Disciplinary action and investigations

- 9.1 Disciplinary action against staff appointed by the HoPS will follow the procedures set out in the GLA's disciplinary policy.

10 Dismissals

- 10.1 Dismissals can occur as a result of probationary action, disciplinary action, capability action, sickness absence, redundancy, illegality, expiry of a fixed term contract or some other substantial reason. Dismissals of staff appointed by the HoPS may be undertaken by the HoPS or officers authorised to act on behalf of the HoPS in this regard. All relevant GLA procedures must be followed in undertaking a dismissal and advice sought from HR & OD and Legal.

Scheme of Delegation

1 Introduction

- 1.1 This Scheme details the functions of the Head of Paid Service (HoPS), afforded to him / her under the Greater London Authority Act 1999, as amended (the Act), which are delegated to staff of the Authority. It does not cover any functions of the Authority that are given to the Mayor of London and the London Assembly.

2 Terms of delegation

- 2.1 Each member of staff shall exercise the delegated powers set out in this Scheme in accordance with the following terms of delegation, in addition to all relevant legal requirements, the provisions of the Authority's corporate governance framework and in accordance with the GLA Code of Ethics.
- 2.2 The powers, duties and functions of the HoPS shall be discharged in the name of and on behalf of the Authority.
- 2.3 The HoPS may only delegate these functions to staff appointed by the HoPS or the other statutory officers. He / she cannot delegate these functions to staff appointed by the Mayor.
- 2.4 Any delegated power may be exercised concurrently by the HoPS in addition to the person to whom the delegation was given.
- 2.5 Every member of staff may decline to exercise delegated powers in relation to any item of business and shall instead submit a report to HoPS in order that a decision may be made.
- 2.6 Where staff act under delegated powers, the following principles and conditions shall apply:
- The officer exercising delegated functions of the HoPS shall take account of any previous decisions of the HoPS, the Mayor and the Assembly, and of all relevant policies or procedures;
 - Where any officer considers that a decision which he / she has taken under delegated authority is of significance, he / she will report that decision to the HoPS for information. Decisions by officers taken under delegated powers will be recorded in writing at the time of decision; and
 - The Authority's statutory officers shall monitor the exercise of delegated powers other than statutory functions for which Executive Directors have responsibility. The HoPS may require any officer to cease the exercise of such powers pending a report to him / her.

- 2.7 Where any delegated function is exercised the following shall apply:
- In relation to the day-to-day conduct of decision making by the Authority, the HoPS's ruling on questions relating to this Scheme will be final;
 - The delegation shall be subject to the Act;
 - The person to whom a function is delegated will have the ability to determine any matter or circumstance relevant to the exercise of that delegated power;
 - Functions delegated to individuals may be exercised by any person to whom those functions have been wholly or substantially transferred; and
 - References in this Scheme to members of staff exercising delegated functions of the HoPS include any persons temporarily discharging the functions of the relevant post.
- 2.8 Any issues not explicitly referenced in this Scheme are a matter for the HoPS. The HoPS may or may not delegate these other issues as he / she sees fit.

3 Matters not delegated by the HoPS

- 3.1 Unless there has been an explicit and temporary written delegation of the HoPS to the contrary, the following powers are not delegated by the HoPS:
- The approval of major restructures as defined in the HoPS's Staffing Protocol;
 - The approval of any creation and deletion of posts; and
 - The approval of all terms and conditions of employment (whether they are contractual or not) and all employment policies and procedures that relate to staff appointed by the HoPS.

4 Functions delegated to Executive Directors

- 4.1 To select candidates for interview for all existing posts established by the HoPS at the level of Assistant Director / Head of Unit and below, and to appoint permanently or temporarily to all those posts subject to the recruitment procedures and employment protocols in force.
- 4.2 To undertake any staffing-related actions the Executive Director considers to be appropriate in relation to staff in his / her Directorate appointed by the HoPS at the level of Assistant Director / Head of Unit and below, conducive to the efficient operation of the business of the Authority, subject to this Scheme (and any other relevant schemes) and the Authority's decision-making framework requirements and procedures (as they may apply).
- 4.3 To certify payment for the reimbursement of professional fees to staff in line with the Expenses and Benefits Framework.
- 4.4 To approve requests from members of staff for additional leave or special leave, with or without pay, when exceptional circumstances apply.

- 4.5 To approve, in exceptional circumstances, requests for the waiver of the Authority's maternity scheme requirement to re-pay maternity payments in the event that the employee does not return to work to the GLA (or take up a post with a GLA functional body) for six months after the end of the maternity leave.

5 Functions delegated to Executive Directors and Assistant Directors / Heads of Unit

- 5.1 To select candidates for interview for all existing posts established by the HoPS below the level of Assistant Director / Head of Unit and to appoint permanently or temporarily to all those posts subject to the recruitment procedures and employment protocols in force. Executive Directors and Assistant Directors/Heads of Unit may delegate these powers to an appropriate nominee under their management.
- 5.2 To undertake any staffing-related actions the Executive Director or Assistant Director / Head of Unit considers to be appropriate in relation to staff in their directorate appointed by the HoPS below the level of Assistant Director / Head of Unit, conducive to the efficient operation of the business of the Authority, subject to this Scheme (and any other relevant schemes) and the Authority's decision-making framework requirements and procedures (as they may apply).
- 5.3 The following delegations are to Executive Directors for posts at the level of Assistant Director / Head of Unit and below and are to Assistant Directors / Heads of Unit for posts below that level:
- To authorise overtime working in accordance with set procedures;
 - To undertake disciplinary action related to, and to determine grievances in respect of, staff within their directorates, including the suspension and/or dismissal of any staff members, subject to the Authority's Code of Ethics and Standards and subject to advice from HR & OD and Legal;
 - To approve reimbursement of travel expenses and other related benefits;
 - To approve the attendance of staff on professional training and / or personal development courses; and
 - To approve the engagement of temporary agency staff for periods of up to 26 weeks in circumstances where the temporary agency staff are covering existing posts created by the HoPS and where there is sufficient budget available in circumstances where the cost of the agency staff exceeds the established post.

6 Functions delegated to the Executive Director of Resources

- 6.1 To deal with all matters where there are financial implications, employment tribunal complaints (and other formal employment law claims, notices or casework) and to settle potential and/or actual employment tribunal matters up to the amount of £50,000; the settlement of potential and/or actual employment tribunal matters over the amount of £50,000 being a joint decision for the Head of Paid Service and the Executive Director of Resources.

- 6.2 To approve and/or resolve, having due regard to affordability and sound decision-making, all other staffing issues not covered by delegations of authority to staff as set out in this Scheme where the financial implications to the Authority do not exceed £50,000 and when a decision is taken in order to maintain the efficient operation of the Authority's business. This is subject to those matters which are perceived to have wider policy implications for the Authority being reported to the HoPS for the HoPS's determination.
- 6.3 The Executive Director of Resources is authorised, on all matters where there are financial implications, as follows:
- To approve, having due regard to affordability and sound decision-making, requests for early retirement of a member of staff. This is subject to matters which have perceived wider policy implications for the Authority being reported to the HoPS for the HoPS's determination;
 - To approve staffing-related payments, up to the maximum of the relevant HMRC rate, where this is conducive to the efficient operation of the Authority.
 - To make arrangements for the calculation of the payment of salaries and expenses of staff of the Authority;
 - To provide advice to the HoPS in relation to HoPS appointed staff and in respect of the arrangements for the calculation of the payment of salaries and expenses of staff of the Authority; and
 - To implement all decisions of the HoPS, including decisions on conditions of service and salary awards in respect of staff of the Authority.

7 Functions delegated to the AD of HR & OD

- 7.1 The AD of HR & OD authorised to:
- Determine grades of staff in accordance with the job evaluation scheme for posts at Assistant Director / Head of Unit level and below, subject to budget allocation being identified; and
 - Change the establishment, subject to budget provision, in cases where a full-time post is converted to a part time post and vice versa.
- 7.2 To approve changes to job designations.