

## APPENDIX A: PROPOSED AMENDMENTS TO THE CONSTITUTION

Section of the constitution	Proposed amendment	Rationale
<p>Part 3B: Cabinet</p> <p>NB. This section of the constitution sets out areas that are the responsibility of Cabinet.</p>	<p>Replace:</p> <ul style="list-style-type: none"> <li>• To have responsibility for all staffing and human resource matters including the number and type of staff, equalities issues and health and safety, subject to the authority's personnel policies and procedures except for appointments and dismissals</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• To agree strategic policies and priorities for the council's workforce, in line with the budget and policy framework set by Council Assembly, and oversee implementation</li> </ul>	<p>The proposed amendment is designed to better reflect the strategic role of the cabinet and how this is distinct from the managerial/operational leadership role of the chief executive.</p> <p>The cabinet is responsible for setting strategic policies and priorities for the council's workforce and overseeing their implementation. Examples include:</p> <ul style="list-style-type: none"> <li>• the council's workforce strategy</li> <li>• Southwark Stands Together, which includes commitments to tackle racial disparities in the council's workforce and address under-representation in senior management roles</li> <li>• specific decisions to in-source services and offer the council's terms and conditions to affected staff, for example in relation to leisure services</li> </ul> <p>The council's chief executive, as the head of paid service, is responsible for the managerial leadership of the council. This includes operational responsibility for all council employees, as well as responsibility for the council's human resources and health and safety functions.</p> <p>NB. Arrangements for appointing and dismissing officers can be found in the Officer Employment Procedure Rules, which comprise Part 4.12 of the constitution.</p>

Section of the constitution	Proposed amendment	Rationale
<p>Part 3B: Cabinet</p> <p>NB. This section of the constitution sets out areas that are the responsibility of Cabinet.</p>	<p>Replace:</p> <ul style="list-style-type: none"> <li>• To have responsibility for all equalities and diversity matters concerning both employment policy and practices and service delivery and the active promotion of the council's equalities policies</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• To agree strategic equality policies and priorities in relation to the council's workforce and service delivery, in line with the budget and policy framework set by Council Assembly, and oversee implementation</li> </ul>	<p>The proposed amendment is designed to better reflect the strategic role of the cabinet and how this is distinct from the managerial/operational leadership role of the chief executive.</p> <p>The cabinet is responsible for setting strategic equality policies and priorities and overseeing their implementation. Recent examples include:</p> <ul style="list-style-type: none"> <li>• the Southwark Council Equality Framework, which includes the council's approach to meeting the requirements of the Public Sector Equality Duty and the Equality Act 2010</li> <li>• Southwark Stands Together, which includes a broad range of commitments focused on tackling racial inequality and promoting anti-racist practice</li> </ul> <p>The council's chief executive, as the head of paid service, is responsible for the managerial leadership of the council. This includes responsibility for promoting equality and diversity in employment policy and practice, and also in service delivery.</p> <p>NB. This section of the constitution contains further clauses detailing Cabinet's responsibility for promoting human rights and fulfilling the requirements of the Equality Act 2010. These clauses are unaffected by the proposed amendment.</p>

Section of the constitution	Proposed amendment	Rationale
<p>Part 3C: Full Cabinet</p> <p>NB. This section of the constitution sets out all matters reserved for Cabinet decision by Council Assembly.</p>	<p>Replace:</p> <ul style="list-style-type: none"> <li>• Approval to the creation of posts at grade 17 and above</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• Approval of the creation of new senior management posts, defined as chief officer posts (ie. those posts reporting directly to the chief executive, or otherwise designated as chief officers by legislation) and director posts</li> </ul>	<p>When the constitution was initially drafted, posts at grade 17 and above comprised the council’s senior management team (also known as the directors’ forum), specifically:</p> <ul style="list-style-type: none"> <li>• the chief executive</li> <li>• chief officers, ie. those officers who report directly to the chief executive and make up the corporate management team (CMT)</li> <li>• directors, who report into members of CMT</li> </ul> <p>Following changes to the council’s pay and grading structure, the senior management team now consists of posts at grade 18 and above. However, the constitutional requirement for Cabinet to approve new posts at grade 17 has meant that some changes outside of the senior management team have been taken to Cabinet for approval. This is inappropriate since posts at grade 17 are typically located in the fourth tier of the council’s organisational structure, which is a level that is ordinarily outside the remit of councillor decision-making.</p> <p>The proposed amendment is intended to address this anomaly and ensure that – regardless of the specific pay and grading structure adopted by the council – new senior management posts (defined as chief officer posts and director posts) can only be created with the approval of Cabinet. This reflects the arrangement that was intended when the constitution was initially drafted.</p>

Section of the constitution	Proposed amendment	Rationale
Part 4.12: Officer Employment Procedure Rules	<p>Replace:</p> <ul style="list-style-type: none"> <li>• Every appointment of a person to a paid office of the council shall be made on merit, and in accordance with the council's policies and procedures contained in the Business Managers' Handbook on the Source</li> </ul> <p>With:</p> <ul style="list-style-type: none"> <li>• Every appointment of a person to a paid office of the council shall be made on merit, and in accordance with the council's agreed HR policies and procedures</li> </ul>	<p>The Business Managers' Handbook no longer exists and represents outdated terminology.</p> <p>The proposed amendment clarifies that appointments should be made in line with the council's agreed HR policies and procedures.</p> <p>NB. Any changes to HR policy are subject to consultation with trade unions.</p>