

# Appointments & Disciplinary Committee Agenda



To: Mayor Jason Perry (Chair)  
Councillor Lynne Hale (Vice-Chair)  
Councillors Jason Cummings, Stuart King, Enid Mollyneaux and  
Callton Young

A meeting of the **Appointments & Disciplinary Committee** which you are hereby invited to attend, will be held **Monday, 29 January 2024 at 10.30 am. Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA.**

Katherine Kerswell  
Chief Executive  
London Borough of Croydon  
Bernard Weatherill House  
8 Mint Walk, Croydon CR0 1EA

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# AGENDA

## PART A

**1. Apologies for Absence**

To receive any apologies for absence from Members.

**2. Minutes of the Previous Meeting**

Minutes of the previous meeting will be presented at the next scheduled meeting of the Committee.

**3. Disclosure of Interests**

Members are invited to declare any disclosable pecuniary interests (DPIs), pecuniary or non-pecuniary interests they may have in relation to any item(s) of business on today's agenda.

**4. Urgent Business (if any)**

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

**5. Appointment to the post of Director of Customer Experience & Technology (Pages 5 - 24)**

This report seeks the Committee's approval to agree the salary package and undertake the selection and appointment to the post of Director of Customer Experience & Technology

**6. Outcome of the Hazel Simmonds Employment Tribunal Case (Pages 25 - 32)**

This report formally notifies the Committee of the outcome of the Hazel Simmonds employment tribunal (ET) case which concluded on 22 December 2023.

**7. Senior Staffing Matters: 1. Review of Chief Executive and Head of Paid Service Pay; 2. Review of Chief Officer and Deputy Chief Officer Market Supplements (Pages 33 - 34)**

The Senior Staffing Matters paper is attached.

**8. Exclusion of Press and Public**

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting or a particular item:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

## **PART B**

- 9. Senior Staffing Matters: 1. Review of Chief Executive and Head of Paid Service Pay; 2. Review of Chief Officer and Deputy Chief Officer Market Supplements (Pages 35 - 48)**
  
- 10. Appointment to the post of Director of Customer Experience & Technology**

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# Agenda Item 5

## LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>APPOINTMENTS AND DISCIPLINARY COMMITTEE</b>	
<b>DATE OF DECISION</b>	<b>Monday 29<sup>th</sup> January 2024</b>	
<b>REPORT TITLE:</b>	<b>Appointment to the post of Director of Customer Experience &amp; Technology</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>KATHERINE KERSWELL CHIEF EXECUTIVE AND HEAD OF PAID SERVICE</b>	
<b>LEAD OFFICER:</b>	<b>Katherine Kerswell Chief Executive and Head of Paid Service</b>	
<b>LEAD MEMBER:</b>	<b>All</b>	
<b>AUTHORITY TO TAKE DECISION:</b>	Appointments of staff are a non-executive function of the Council and the Council's established practice is to report all director appointments to Members for decision.	
<b>KEY DECISION?</b>	<b>No</b>	REASON: N/A
<b>CONTAINS EXEMPT INFORMATION?</b>	Yes	Details of the candidate(s) set out in the exempt/Part B appendices under paragraph 1 (information relating to any individual) and paragraph 2 (information which is likely to reveal the identity of an individual) and, in all the circumstances, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information for the reasons set out in this report.
<b>WARDS AFFECTED:</b>	<b>N/A</b>	

### 1 SUMMARY OF REPORT

- 1.1 This report seeks the Committee's approval to agree the salary package and undertake the selection and appointment to the post of Director of Customer Experience & Technology.

## **2 RECOMMENDATIONS**

For the reasons set out in the report Appointments and Disciplinary Committee is recommended to:

- 2.1** Agree the salary package for the post of Director of Customer Experience & Technology, Grade 3 £122,803 to £127,684.
- 2.2** Undertake the selection for and agree an appointment to the post of Director of Customer Experience & Technology from the candidate(s) detailed in the Exempt/Part B appendices.
- 2.3** Note that any appointment will be subject to the appointment notification process set out in section 3.3 of part 4J of the Council's Constitution (Staff Employment Procedure Rules).

## **3. BACKGROUND AND DETAILS**

### **3.1 Job Purpose:**

- Lead senior officer responsible for technology, cyber security, digital and data strategies, portfolios of change and investments/budgets to enable organisational outcomes.
- Lead senior officer responsible for creating, managing and executing customer experience strategy to deliver seamless customer experiences across all stages and touchpoints.
- Ensure core technology and infrastructure is operating optimally, resiliently, and securely.
- Lead on strategic IT sourcing, procurement, and commercial activity.
- Continually re-imagine and promote the vision for technology to enable the organisation to achieve its ambition.
- Act as agitator, disruptor, and collaborator to help drive innovation.
- Provide thought leadership and sector wide impact on the role of technology, digital and data in local government.
- Lead and embody an inclusive culture, actively promoting diversity and equality both in the team and outside it.

**Reports to:** Assistant Chief Executive

### **Direct reports:**

- Heads of Technology
- Head of Change and Oversight

- Head of Customer Experience
- Head of Cyber Security

### Localism Act 2011 and Pay Policy

- 3.2** The Appointments & Disciplinary Committee has delegated responsibility for approving appointments beyond the threshold specified in statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011. The statutory guidance provides that elected Members should be given an opportunity to vote before salary packages upon appointment at or above a specified threshold are offered. For these purposes, the specified threshold is currently £100,000 as set by Government.
- 3.3** As set out in the Council's Pay Policy Statement agreed by the Council on 1 March 2023 Director roles are placed on a grade and salary within the Croydon Chief Officer Grades 1 and 3 following evaluation of their post using the Hay job evaluation scheme with provision for incremental progression to the top spinal point of the grade. The Policy also provides that the salaries will be reviewed in line with national awards as determined by the JNC for Local Authority Chief Executives. The salary scale for the Director of Customer Experience & Technology is Grade 3 £122,803-£127,684 per annum.
- 3.4** Under these arrangements the Director of Customer Experience & Technology, receives a salary package which would engage the Committee's discretion in accordance with the delegation set out above and, therefore, a decision is required by the Committee to appoint at this pay level. In the event that candidates of insufficient calibre can be attracted to apply for the role, as with some other senior appointments, the Committee may need to consider the application of a labour market pay benchmarked market supplement, in accordance with the Council's market supplement policy.
- 3.5** The Council's Staff Employment Procedure Rules at Part 4.J of the Constitution provide for a notification process to ensure that the Mayor and any other Cabinet Members have no objections to the offer of appointment occurs before an offer of appointment is made to him/her and these requirements will be complied with should members approve the above recommendations

## **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1** The role is currently being covered by an interim on a day rate which is not sustainable, there is also the requirement to maintain a stable team. Therefore, the most cost effective and recommended solution is to appoint to the position on a permanent basis.

## **5. CONSULTATION**

- 5.1** The role has been advertised on our internal and external LBC jobsites, Local Government Jobs, Indeed and LinkedIn. Longlisted candidates will undertake first stage conversations with, in the absence of the Assistant Chief Executive, our

Corporate Director, Resources who is deputising. If shortlisted candidates will then meet with a panel made up from members of the Council Management Team, prior to the final interview.

## **6. IMPLICATIONS**

### **6.1 FINANCIAL IMPLICATIONS**

There are no specific direct financial implications arising from this recruitment as salary costs and the associated on-costs will be met from existing budget within the Assistant Chief Executive directorate.

### **6.2 Risks**

The failure to recruit the right candidate is always a risk and may result in further costs to recruit should this happen. There are broader operational and delivery implications, particularly with savings targets and other directorate responsibilities.

**6.3** Comments approved by Allister Bannin, Director of Finance (Deputy s151 Officer) Date: 10/1/2024.

## **7. LEGAL IMPLICATIONS**

**7.1** Under section 112 of the Local Government Act 1972, the Council may generally appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.

**7.2** Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the function of appointment of a member of staff below deputy chief officer level must be discharged by the Head of Paid Service or by an officer nominated by the Head of Paid Service. Appointment decisions concerning more senior officers can be made by officers or Members subject to statutory requirements, and the Council's constitution.

**7.3** However, under section 40 of the Localism Act 2011, the Council must have regard to guidance issued by the Secretary of State when preparing and approving its pay policy statement. The Guidance entitled "Openness and accountability in local pay; guidance under section 40 of the Localism Act" provides "full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set".

**7.4** Under section 41 of the Localism Act 2011, the Council must comply with its pay policy statement when making certain determinations relating to remuneration. The Council must also comply with its obligations under regulation 10 of the Accounts and Audit Regulations 2015 and the Local Government Transparency Code.

**7.4** The Appointments and Disciplinary Committee has delegated responsibility for "the function in respect of voting on salary packages upon appointment" and therefore of approving salary packages in accordance with the Guidance referred to above..



- 7.5** The Council's pay policy statement also makes provision for the salary of Croydon Chief Officer Grades, and for additional remuneration elements.
- 7.6** Staff Employment Procedure Rules at Part 4.J of the Constitution makes provision for a notification process, as required by the 2001 Regulations referred to above, to ensure that the Mayor and any other Cabinet Members have no material or well-founded objections to the offer of appointment and this process must take place before an offer of appointment can be made.
- 7.7** *Approved by:* Sandra Herbert, Head of Litigation and Corporate Law for and on behalf of Stephen Lawrence-Orumwense the Director Legal Services and Monitoring Officer Date: 15/01/2024

## **8. EQUALITIES IMPLICATIONS**

- 8.1** The posts are senior posts within the Council, therefore post holders will have due regard to the Public Sector Equality Duties (PSED) as detailed:
- (i) Eliminate unlawful discrimination, harassment and victimisation
  - (ii) advance equality of opportunity between people who share a protected characteristic and those who don't.
  - (iii) foster or encourage good relations between people who share a protected characteristic and those who don't.
- 8.2** Senior members of staff are also responsible for the deliverables of the Equality Strategy 2020 -2024 within their service area. This includes: ensuring that every strategy, delivery plan and staff appraisal has an equality objective linked to it.
- 8.3** As a member of the management team, the post holder will also have responsibility for the implementation of the Equality Strategy 2020- 2026 which includes the standards of the Chief Executive for London Council's Tackling Racial Injustice programme. This includes ensuring that both equality and race have measurable actions on personal development plans for the post holder.
- 8.4** The post holder will be requested to share equality monitoring data when in post.
- 8.5** Comments approved by: Denise McCausland, Equalities Programme Manager Date: 10/1/2024

## **9. HUMAN RESOURCES IMPLICATIONS**

- 9.1** There are no additional human resources impacts.
- 9.2** Comments approved by Dean Shoesmith, Chief People Officer Date: 10/1/2024

**CONTACT OFFICER:** Katie Wallace, Head of Recruitment

## **10. APPENDICES TO THIS REPORT**

Appendix 1: Recruitment pack including Role Profile

**Exempt/Part B Appendices**

**BACKGROUND DOCUMENTS:** none

# CANDIDATE BRIEFING PACK

**Director of Customer Experience and Technology**

**London Borough of Croydon**

**November  
2023**

**CROYDON**  
[www.croydon.gov.uk](http://www.croydon.gov.uk)

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## Welcome letter

Thank you for thinking about joining us at Croydon Council. This is truly an opportunity not to be missed.

As you will already know, Croydon has faced significant challenges over the past two years, in terms of the Council's financial crisis, and some well-publicised service and governance failures.

We need an outstanding individual to join us to help lead the digital transformation of the whole council. You will hold key relationships across the council working with elected members and senior officers to deliver transformation improvement to our customers, in particular through digital development.

We are looking for someone who has the right skills and experience, but most importantly who also shares our values, and our commitment to Croydon and its people to make this Council the best organisation it can be.

Turning the Council round will be hard but fulfilling work; you will face challenges and Croydon will test every part of your experience and knowledge to date, but if you are the person we are looking for, this is exactly the opportunity you will relish.

You will not be on your own in this challenge. You will be joining a strong, supportive, and values driven team of senior staff, all helping to rebuild the Council: its finances, its governance, its culture, its services and restoring pride in the borough. The financial challenge is steep, but we are already making serious progress, with a clear three-year financial strategy in place. There is a new political administration focused on delivering the 'Mayor's Business Plan', a shared commitment to the task ahead, and to putting Croydon's people first.

Croydon is a fantastic place; a vital part of London's growth story with a strong identity in its own right, and this is a rare chance to make genuine change in a place of great opportunity. It's a once-in-a-career moment, to join us at a time when your impact will be felt the most.

We are building an organisation in which talented, clear-sighted, and committed individuals with a strong public service ethos thrive, and are establishing that supportive, inclusive, and accountable culture which will be so important to getting the Council back on track. We also want to rebuild the relationship with the people of Croydon and most importantly earn their trust again, which has been shattered by the financial and governance failures of the past.

This is a values-led organisation where people care passionately about fairness, inclusion, tackling inequality, and making Croydon better for the people who live here. The next few years will be tough, but with the right team working together, they will also be immensely fulfilling.

Executive Mayor Jason Perry

Katherine Kerswell, Chief Executive

## About us

As one of London's largest and most diverse boroughs, Croydon is a fantastic place to live, work and spend time, with all the benefits of close proximity to the rest of London and the southeast.

Our borough is made up of diverse communities that stretch from Crystal Palace to Coulsdon and from New Addington to Purley; with bustling district centres and over 120 green spaces that link us together and an urban town at its centre. One of London's largest commercial districts outside the centre, Croydon is a major hub for shoppers, workers and visitors; its excellent transport links include the iconic trams. The borough has a richly diverse cultural scene and is known as the birthplace of music genres from punk to dubstep and the home of grime legend Stormzy.

Croydon's greatest strength is its people. London's most populous borough, Croydon is home to 398,800 (Census, 2021). Caring, passionate and principled, they take huge pride in coming together to improve their borough and help their communities.

Croydon is also home to more than 90,275 people aged under 18 (Census 2021) – more young people than anywhere else in London. We are incredibly proud of them and committed to them and their futures. We look after more vulnerable children and young people than any other council in London; caring for them is a privilege and a priority, and our children's services are rated 'good' by Ofsted.

Over the past decade we have seen huge investment, regeneration and growth in our borough. Croydon remains an attractive and important part of London for ongoing growth and investment – growth from which we want to see all our communities' benefit. However, the impact of our financial challenges mean we must focus on the needs our residents are facing today, regain their trust following the financial and governance crisis at the council and make sure we are a financially sustainable council by 2026.

### **Croydon Council**

Croydon Council is two years into one of the most significant and fast-paced transformational programmes in local government today. The 'Mayor's Business Plan' sets out how we must change as an organisation to provide the good quality core services and value for money our residents and businesses expect. We must do less and do it better.

Delivering the Executive Mayor's Plan will require a new relationship with our partners as well as local residents.

There is a huge amount of change underway and most importantly, we want to involve staff, residents and all our partners in the decisions we make and be open in everything we do. Our passionate and committed workforce is our greatest asset; our partners are our most valued colleagues. We look forward to continuing to work with them as we build the council for Croydon's future.

# Advertisement

**Leading digital transformation.**

## **Director of Customer Experience and Technology (£122,803 to £127,684)**

We have an exciting opportunity to join the senior leadership team at Croydon Council as we continue delivering our significant improvement plan. Our challenges have been well reported. However, these challenges do not define us, they drive us.

We are the largest borough in London, serving 400,000 residents from a diverse community. In 2022, Croydon elected its first Mayor, providing a strong democratic mandate for local leadership. We are the London Borough of Culture in 2023, delivering an exciting programme of diverse and inclusive cultural events. We are delivering change and transformation across our organisation. We are transforming Croydon Council to deliver better outcomes with our residents and partners

### **About the role**

As our Director of Customer Experience and Technology, you will work across the organisation influencing our future direction well beyond any direct service responsibilities. You will collaborate with the elected Executive Mayor, Lead Members, Chief Executive, Corporate Directors and others to communicate and deliver the 'Mayor's Business Plan' and priorities, Equality Strategy and Croydon Transformation Plan, all within a financially sustainable budget.

We are looking for someone that is:

- comfortable offering both support and challenge at a senior level
- a keen strategist, able to identify, implement and advise on potential solutions to challenges
- a leading advisor to elected Members on customer services and technology
- passionate about the improvement that we can achieve at Croydon

If you would like an informal discussion about this unique opportunity, please contact Elaine Jackson (Assistant Chief Executive) on 020 8726 6000 (Ext22627).

*Croydon Council is an inclusive employer and welcomes applications from all sections of the community. We are happy to consider applications from candidates seeking flexible working arrangements.*

*As users of the disability confident scheme, we guarantee to interview all disabled applicants who meet the minimum criteria for the advertised role. We're committed to safeguarding and promoting the welfare of children and vulnerable adults, and we expect every member of our team to share this commitment.*

## Job description

<b>Job title:</b> Director of Customer Experience and Technology	<b>Service Area:</b> Customer Experience and Technology	
<b>Directorate:</b> Assistant Chief Executives	<b>Post Number</b> From Oracle	<b>Evaluation Number</b>
<b>Grade:</b> Director 3 (Hay)	<b>Date issued:</b> 3 November 2023	

### Business Plan and Council priorities

The [Mayor's business plan: 2022 to 2026](#) has five outcomes:

- The council balances its books, listens to residents and delivers good sustainable services.
- Croydon is a place of opportunity for business, earning and learning.
- Children and young people in Croydon have the chance to thrive, learn and fulfil their potential.
- Croydon is a cleaner, safer and healthier place, a borough we're proud to call home.
- People can lead healthier and independent lives for longer.

### Croydon Council's new ways of working

We will practice sound financial management, being honest about what we've spent and what we can afford.

We will focus on what we, uniquely, can do as the local authority as the democratically elected leaders of our borough. This means we will focus on our core services, and a small number of evidence-based outcomes that deliver our priorities. But we will also continue to use our democratic mandate to convene our partners around a common purpose and to make a clear case for a better deal for Croydon.

We will aim to become a much more transparent, open and honest council.

We will involve residents in our decision-making. But we will also need to be clear with residents about what we can do, and what we can't. When we have to say no, we will do so with compassion and take the time to explain our decisions.



**Responsibility for: -**

- Technology (IT)
- Digital
- Data
- Information Management
- Cyber Security
- Customer Services and Customer Experience
- Travel Services
- Complaints and Members' Enquiries
- Bereavement
- Registrars

**Job Purpose:**

- Lead senior officer responsible for technology, cyber security, digital and data strategies, portfolios of change and investments/budgets to enable organisational outcomes.
- Lead senior officer responsible for creating, managing and executing customer experience strategy to deliver seamless customer experiences across all stages and touchpoints.
- Ensure core technology and infrastructure is operating optimally, resiliently, and securely.
- Lead on strategic IT sourcing, procurement, and commercial activity.
- Continually re-imagine and promote the vision for technology to enable the organisation to achieve its ambition.
- Act as agitator, disruptor, and collaborator to help drive innovation.
- Provide thought leadership and sector wide impact on the role of technology, digital and data in local government.
- Lead and embody an inclusive culture, actively promoting diversity and equality both in the team and outside it.

**Reports to:** Assistant Chief Executive

**Direct reports:**

- Heads of Technology
- Head of Change and Oversight
- Head of Customer Experience
- Head of Cyber Security

**Responsible for:**

- Strategic direction, leadership, sponsorship, and governance of all aspects of technology (including change activities).
- Strategic direction, leadership, and collaboration with all organisation divisions to develop and implement the overall customer experience strategy.
- Strategic direction, leadership, and collaboration with all organisation divisions to develop and implement the overall bereavement strategy.
- Strategic direction, leadership, and collaboration with all organisation divisions to develop and implement the overall Registrars strategy.
- Thought leadership and advocacy to the development and delivery of the organisations vision and the agenda for transformation and innovation.
- Leadership and accountability for IT strategic sourcing and procurement and contract management.
- Leadership and accountability for the development and implementation of the council's information and technology security policies and strategies - ensuring the council meets its statutory requirements.
- Leadership and accountability for robust contingency, risk management, and business continuity plans and actions for IT services. Maintaining and enforcing standards and protocols for the use of technologies across the organisation.
- Build strategic relationships with international, national and regional organisations including government departments, GLA, London Councils, other agencies and Councils to ensure collaborative working on cross Borough and regional and sub-regional strategies.
- Role modelling values and behaviours needed for a leader of a 21<sup>st</sup> century, collaborative organisation.
- Other duties – the job description indicates the main areas of activity for this post. From time-to-time other tasks/duties maybe required which are commensurate with the general area of responsibility and grade of the post.

**Service Accountabilities:**

Critical Success Factors:

- Provision of and delivery of quality services – ensuring a high level of service that is reflective of all customer needs and value for money.
- Understands different customer needs – delivering a customer focused service which meets the needs of residents, businesses, and communities.
- Delivers capacity and capability to operate core services and embeds appropriate models to enable change and transformation.

- Delivers a flexible, and scalable platforms to run operations and continuously improve.
- Invests in people and skills to deliver a sustainable, motivated, and talented workforce.
- Provides transactional services that are multi-channelled and inclusive to meet local customer needs.
- Minimises silos of systems, data, assumptions, hand-offs, performance and customer touch-points.

### **Corporate Accountabilities**

To take a “one Council” approach to deliver more effective outcomes and at all times avoid a siloed, single division or service area approach.

To actively seek out and learn from external good practice and bring those new ideas and ways of working into service development and delivery.

To contribute and lead as required as a project owner on the delivery and implementation of specific corporate projects.

To actively role model the council’s priorities and ways of working and the council’s leadership framework and values.

To lead, manage and develop staff teams and ensure compliance with the council’s performance management system and all HR policies and procedures

Be accountable for associated budget and have affordable plans in place to deliver the annual budget and Medium Term Financial Plan.

Provide assurance that the services are compliant and performance monitoring is part of the corporate rhythm, and exceptions have robust action plans.

To operate within the governance, financial and legal frameworks of the Council at all times.

Ensure equality, diversity and inclusion is embedded into all aspects of professional and managerial roles, including service delivery and at all times carry out your duties with regard to the Council policy.

Ensure by robust management that the services and staff you are responsible for adhere to the Council’s Health and Safety Policy and operate within the safety management frameworks.

To ensure the effective management of data and security of information received and used within the division, to comply with the relevant legislation such as GDPR and the Freedom of Information Act, recognising that the council wishes to operate in the most open and transparent way.

Participate in cross organisational risk management and emergency planning activities as required.

Represent Croydon Council externally as appropriate to the role, to ensure strong partnership working, strong public relations, and for other reasons as appropriate.

Deputise for the Assistant Chief Executive on all matters as required.

Work with the Assistant Chief Executive and the other ACE directors, take responsibility for building

a whole Council approach to deliver on the ambitions of our priorities on page 6.

The list of duties in the role profile should not be regarded as exclusive or exhaustive. There will be other duties and requirements associated with your job and, in addition, as a term of your employment you may be required to undertake various other duties as may reasonably be required.

Your duties will be as set out in the above role profile but please note that the Council reserves the right to update your role profile, from time to time, to reflect changes in, or to, your job.

You will be consulted about any proposed changes.

### **Key Partner Relationships:**

#### Internal:

Members; Chief Executive, Corporate Directors; Directors; Heads of Service; other teams and senior directorate colleagues across the whole council; trade unions.

#### External:

Local, regional and national government bodies, agencies and NGOs; professional bodies; other local authorities; partner organisations; statutory bodies; members of the public and community groups; trade unions.

### **DISCLOSURE AND BARRING SERVICE (DBS):**

Not required

### **Political Restrictions:**

This post is politically restricted and under the Local Government and Housing Act 1989, as amended by the Local Democracy, Economic Development and Construction Act 2009 and the post holder may not have any active political role either in or outside the work.

### **Statutory Responsibilities:**

This role has no assigned statutory responsibilities.

### **Other Considerations:**

You may, from time to time, be required to work outside of regular office hours including weekends and evenings to attend meetings and community events.

The postholder is required to observe and fulfill the seven principles of public life (also known as the Nolan Principles).

## **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

## **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

## **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## **6. Honesty**

Holders of public office should be truthful.

## **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Person Specification

- A professional or management qualification, or educated to degree-level, or demonstrable equivalent experience.
- Evidence of continuing professional development, leadership and personal

Competencies	Criteria
<p><b>Able to demonstrate and evidence a highly developed Competence in:</b></p>	<ul style="list-style-type: none"> <li>• Creating vision based on global and local trends, challenges and opportunities of the technology and data sectors. Explaining it convincingly and inspiring others to be dedicated to it.</li> <li>• Carrying out activities that enable the vision, allocating roles, responsibilities, and resources, monitoring progress and communicating it convincingly.</li> <li>• Pioneering and continually challenging current thinking; promoting different approaches to problem framing and solving, encourage taking risks and directing the development and implementation of valuable innovations.</li> <li>• Designing policies, services and approaches based on the user`s needs and benefits/outcomes.</li> <li>• Creating an environment of workplace happiness and wellbeing, ensuring the engagement and development of employees.</li> <li>• Understanding your role as a leader in civic and public services, developing yourself continuously to ensure maximum realisation of potential.</li> <li>• Leading, managing, and delivering a wide range of different services across a large complex, politically led organisations.</li> </ul>
<p><b>Able to demonstrate and evidence Knowledge and experience in</b></p>	<ul style="list-style-type: none"> <li>• Senior leadership experience in technology, digital, customer service/experience, bereavement and registrar`s departments.</li> <li>• Understanding of cyber security and information governance.</li> <li>• An understanding of key technology, digital, data and information best practice (e.g. ITIL, Agile, Dev/Ops, PRINCE, DDaT, TOGAF, SFIA etc.) and evidence of successful outcomes from implementation.</li> </ul>
<p><b>Behaviours and personal qualities</b></p>	<ul style="list-style-type: none"> <li>• Able to work with a wide variety of people at all levels.</li> <li>• A strategic thinker and leader with the ability to balance competing priorities and deliver within tight timescales.</li> <li>• Highly collaborative and participative.</li> <li>• Ability to make decisions by listening to, and taking cognisance of, the views of others along with a high degree of integrity and probity.</li> <li>• Highly skilled communicator with the ability to communicate orally and in writing to a diverse range of audiences.</li> <li>• Ability to influence and negotiate effectively.</li> <li>• Ability to lead, motivate, inspire confidence and enthusiasm.</li> <li>• Resilient and calm.</li> <li>• Commitment to the Council`s core values and objectives</li> </ul>

	<ul style="list-style-type: none"> <li>• Ability to make decisions by listening to, and taking cognisance of, the views of others along with a high degree of integrity and probity.</li> <li>• Highly skilled communicator with the ability to communicate orally and in writing to a diverse range of audiences.</li> <li>• Ability to influence and negotiate effectively.</li> <li>• Ability to lead, motivate, inspire confidence and enthusiasm.</li> <li>• Resilient and calm.</li> <li>• Commitment to the Council's core values and objectives</li> </ul>
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### Corporate Values

Our values are the base of every job role within Croydon – values are fundamental in everything we do as a Local Authority. You are required to demonstrate a commitment to our corporate values and this will be assessed using the criteria below:



**One Team:** To cross boundaries to work together towards goals with colleagues, partners and communities

- You are strategically innovative in your approach to building and maintaining partnerships and you and your teams act in a joint enterprise with them. You use your contacts and colleagues to bring teams together.

**Proud to Serve:** We strive to always do our best for the community, getting the most from limited resources and using taxpayers' money wisely

- You are proud to be part of the wider Croydon and the contribution you and your teams make to it. You make a difference to people's lives through engagement and you strive to get the best possible value for money for customers.

**Honest and Open:** We work hard to build trust by treating everyone with honesty and integrity

- You think through who needs to understand what during communication; and take care to communicate detail clearly. You take people's views into account continuously. You trust people, colleagues and staff, to do their best and deal with any issues positively.

**Taking Responsibility:** We encourage and support each other to take responsibility and show what we can do, learning together and recognising each other's contributions

- You are clear where formal accountability lies and where we can all take responsibility for results. You praise your colleagues for their efforts and ideas and thank them for their contributions.

**Valuing Diversity:** We make the most of the many perspectives that make Croydon distinctive. You treat all staff and customers with equal value and respect. In everything you do, you make good use of the wide variety of background, skills and perspective your teams, the Council and the community demonstrate.

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<b>REPORT:</b>	<b>Appointments and Disciplinary Committee</b>	
<b>DATE OF DECISION</b>	<b>29 January 2024</b>	
<b>REPORT TITLE:</b>	<b>Outcome of the Hazel Simmonds Employment Tribunal Case</b>	
<b>CORPORATE DIRECTOR / DIRECTOR &amp; LEAD OFFICERS :</b>	<b>Dean Shoemith, Chief People Officer</b> <a href="mailto:dean.shoemith@croydon.gov.uk">dean.shoemith@croydon.gov.uk</a>	
<b>LEAD MEMBER:</b>	<b>Mayor Jason Perry</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>  <i>(* See guidance)</i>	<b>No</b>	
<b>WARDS AFFECTED:</b>	<b>All</b>	

### 1 SUMMARY OF REPORT

- 1.1 This report formally notifies the Committee of the outcome of the Hazel Simmonds employment tribunal (ET) case which concluded on 22 December 2023.
- 1.2 In summary, the ET dismissed all the claims as they were not well founded.

### 2 RECOMMENDATIONS

- 2.1 For the reasons set out in the report, the Committee is recommended to note the outcome of the Hazel Simmonds employment tribunal case.

### 3 BACKGROUND AND DETAILS

#### Generally

- 3.1 The general background to Ms Simmonds' case is the historical, widespread and high-profile corporate failure of the Council which the Committee is familiar with.
- 3.2 On 19 November 2020, at an Extraordinary Council meeting, the Council formally received a Report in the Public Interest ('RIPI 1') issued by the Council's external auditor, Grant Thornton, on 23 October 2020. RIPI 1 detailed significant issues relating

to the Council's financial position, its financial governance and its overall effectiveness as an organisation.

- 3.3 The Council accepted the findings of RIPI 1 in full and agreed a comprehensive action plan to address the 20 recommendations made by Grant Thornton.
- 3.4 Following receipt of RIPI 1 on 23 October 2020, the (then interim) Chief Executive, had commissioned the LGA to undertake an independent investigation of senior management actions in regard to the findings of RIPI 1 to assess what, if any, formal action was required to be taken under any relevant process. The commissioning of the report was noted in the recommendations at the Extraordinary Full Council meeting on 19 November 2020 in these terms:

“Note that the LGA has been commissioned to support the Council in undertaking an independent initial investigation of senior management actions in regard to the findings of the Report in the Public Interest to assess what, if any, formal action is required to be taken under any relevant process;”
- 3.5 The terms of reference of the independent investigation sought two important outcomes: “The first will be to form the understanding of how and why the council has arrived in this situation, and the second is to demonstrate the seriousness of the Council's intent to establish a new organisational culture that has learning and accountability at its heart”.
- 3.6 The terms of reference also made clear that, if relevant, other formal proceedings would be commenced to deal with any matters identified in the report.
- 3.7 Richard Penn, a senior LGA Associate and former local authority chief executive, and national expert on senior management performance and disciplinary process issues in local authorities, was appointed to undertake the investigation.
- 3.8 Running in parallel, in response to RIPI 1, there followed several further reviews and reports that commented on and made recommendations relating to the Council's financial position, governance and effectiveness. Those reports include the Strategic Review of Companies and Other investment arrangements (25 November 2020) and the Non-Statutory Rapid Review of the Council undertaken by the MHCLG (1 February 2021). Both reports identified significant issues relating to the Council's financial position and governance and are published.
- 3.9 On 26 January 2022 a second RIPI ('RIPI 2') was issued by Grant Thornton into the refurbishment of Fairfield Halls.
- 3.10 As well as reviews and reports commissioned by the Council, other published reports include the report of the House of Commons Housing, Communities and Local Government Committee on Local authority financial sustainability and the section 114 regime. Although this inquiry was not into the situation at Croydon itself, what happened at Croydon is explored as a case study.
- 3.11 Also, by way of background, to date the Council has issued three s114 notices on 11 November 2020, 2 December 2020 and 22 November 2022.

- 3.12 It is possible to set the case in an even broader context by referencing cabinet and full council reports (especially on budgetary and financial strategy matters) and the MHCLG submission requests for a capitalisation direction as well as other such documents. The facts and circumstances that these sources of information speak to are now well-established and have been much discussed.

### **More Specifically**

- 3.13 On receipt of Mr Penn's investigation report (the Penn report), the Council initially suspended a number of the executive leadership team. Two members of that team then resigned, followed by a further resignation after ill health absence. Following due process, the Council commenced disciplinary proceedings against the two remaining members of the executive leadership team referred to in the Penn report. With one exception, all these officers resigned between February 2021 and July 2021.
- 3.14 Ms Simmonds, former Executive Director of Localities and Resident Pathways, resigned on 6 September 2022 claiming constructive unfair dismissal. At that stage, Ms Simmonds had already commenced two ET claims. Ms Simmonds resigned soon after she was advised that the Committee had received an independent disciplinary investigation report upholding six allegations of gross misconduct and recommending that she be dismissed.

### **The claims**

- 3.15 The first claim was brought by Ms Simmonds on 6 September 2021 against the Council and the Chief Executive. In this claim, she alleged she was directly discriminated against on the grounds of race and sex, had been humiliated, treated in a degrading manner, harassed and victimised.
- 3.16 The second claim was a contractual claim alleging unlawful deductions of pay when Ms Simmonds was both suspended and on sick leave. On 22 May 2022, an ET judge upheld the second claim. The agreed shortfall in net pay in the sum of £14,527 was paid to Ms Simmonds shortly after.
- 3.17 Having acknowledged that "[t]here are policy arguments that could be made either way", ultimately, the Judge decided that Ms Simmonds was entitled to full pay (i.e. pay without any deductions) when she was both suspended and on sick leave because the JNC Handbook for Chief Officers on suspension pay trumps contractual provisions on sick pay.
- 3.18 Following the Judgment, the Council advised the LGA of the outcome of the second claim, raised concerns about outdated wording of the JNC Chief Officer Handbook; the inconsistencies when compared with the Acas code of practice on disciplinary and grievance procedures, the JNC Chief Executive Conditions and the NJC 'Green Book' (which applies to officers below chief officer level) and the wider implications for the local government sector.
- 3.19 The LGA have acted upon these concerns and on 22 August 2023 issued a letter to all local authority Chief Executives to alert them to the risks, advising of the action

required and undertaking to explore options for amending the JNC Chief Officer Handbook, which currently provides for suspension from duty to be on full pay.

3.20 The third claim related to Ms Simmonds' resignation on 6 September 2022 and her subsequent claim for wrongful and constructive unfair dismissal.

3.21 Ms Simmonds claimed compensation of over £1.1m as well as reduced pension losses for her first and third claims.

### **The outcome of the first and third claims**

3.22 In short, following a three-week trial, the ET dismissed Ms Simmonds' first and third claims as they were not well founded.

3.23 In relation to the discrimination claims:

- every single race and sex allegation was dismissed, with the ET finding they could see "no evidence that a male or white comparator would have been treated differently to [Ms Simmonds]";
- every single harassment allegation was dismissed, with the ET finding they could see "absolutely no connection with [Ms Simmonds'] race or sex" and due to the absence of the requisite purpose; and
- every single victimisation allegation was dismissed, with the ET finding they "could not see any connection with [Ms Simmonds'] race or sex".

3.24 In relation to constructive unfair dismissal and wrongful dismissal, these claims were dismissed too.

### **The costs**

3.25 In defending Ms Simmonds' first and third claims, the Council had to deal with a substantial number of very serious allegations over many years relating to the broad subject matters of RIPI 1 and RIPI 2. These issues included widespread and high-profile corporate failure and financial mismanagement, the implications of which were, at the time, unprecedented.

3.26 The allegations also related to grievances, senior management re-structure, suspension, investigations and sickness absence management. The issues were wide ranging; factual, contractual, legal, procedural and substantive in nature; complex and highly contentious.

3.27 The number and nature of the allegations and issues accounted for a particularly difficult and demanding disclosure process extending to thousands of pages. This was compounded by the fact that as Ms Simmonds was acting as a litigant in person during the latter stages of the ET proceedings, the Council had to assume obligations relating to disclosure and trial bundle preparation which a claimant ordinarily would.

3.28 The number and nature of the allegations and issues also accounted for the reliance on a large number of witnesses to give evidence by way of witness statements initially and then at the trial and a listing of 3 weeks. This resulted in the Council incurring substantial legal costs.

- 3.29 As with almost all litigation, it is the preparation for a trial and the trial itself which accounts for a substantial amount of the cost of the entire litigation. Which is why on multiple occasions Ms Simmonds was invited to withdraw her claims and the Council set out why her claims were weak and that the Council had received legal advice that there were strong prospects for defending the claims. However, Ms Simmonds refused to withdraw her claims without a substantial financial payment.
- 3.30 Making a substantial financial payment to Ms Simmonds to avoid the necessary and substantial costs in defending her claims was not in the public interest and was not compliant with the statutory guidance on special severance payments and the principles of accountability in local government which the Committee endorsed on 23 March 2023.
- 3.31 As there was no justification for a financial payment, the Council had no choice but to continue to defend the claims and prepare for and proceed to trial.
- 3.32 The cost of the internal disciplinary process and defending all three claims brought by Ms Simmonds will be set out in a supplementary Appendix to this report and published ahead of the Committee's meeting.

## **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 This report formally notifies the Committee of the outcome of an ET case and is for noting only.

## **5 CONSULTATION**

- 5.1 None.

## **7. IMPLICATIONS**

### **7.1 FINANCIAL IMPLICATIONS**

- 7.1.1 The internal disciplinary process and ET litigation costs will be set out in a supplementary Appendix to this report and published ahead of the Committee's meeting.

### **7.2 LEGAL IMPLICATIONS**

- 7.2.1 The report refers to the statutory guidance on special severance (SSPs) which forms part of the best value regime for local authorities in England. It expresses the government's view that SSPs do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional circumstances. It states that employers have a responsibility to ensure that

SSPs are only made when there is a clear, evidenced justification for doing so and, among other things, proportionate and provide value for money for the taxpayer.

**7.2.2** One of the examples given of the exceptional circumstances in which a SSP may be considered is: "... in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money" (para. 4.3).

**7.2.3** The following is also pertinent on the facts of the case in hand:

"4.4. Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims."

**7.2.4** Comments approved by Looqman Desai, Deputy Monitoring Officer, on behalf of the Director of Legal Services and Monitoring Officer.

### **7.3 EQUALITIES IMPLICATIONS**

**7.3.1** Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**7.3.2** "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

**7.3.3** There are no immediate equalities implications arising from this report however, as the main body of the report outlines, it is in the Council's interests and in the public interest to ensure that those responsible for the Council's financial situation and governance failures are fairly and properly held to account so that public trust and confidence can be restored. In holding those people to account the Council should ensure there is no bias, unequal or less favourable treatment on the grounds of one or more protected characteristics.

**7.3.4** *Comments approved by Dean Shoesmith, Chief People Officer.*

## **8. APPENDICES**

The internal disciplinary process and ET litigation costs (to follow).

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## LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Part A - APPOINTMENTS AND DISCIPLINARY COMMITTEE</b>	
<b>DATE OF DECISION</b>	<b>29 JANUARY 2024</b>	
<b>REPORT TITLE:</b>	<p style="text-align: right;"><b>SENIOR STAFFING MATTERS:</b></p> <ol style="list-style-type: none"> <li><b>1. REVIEW OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE PAY</b></li> <li><b>2. REVIEW OF CHIEF OFFICER AND DEPUTY CHIEF OFFICER MARKET SUPPLEMENTS</b></li> </ol>	
<b>LEAD OFFICER:</b>	<b>GILLIAN BEVAN</b> <b>HEAD OF HR, RESOURCES AND ACE DIRECTORATES</b> <b>Email: <a href="mailto:Gillian.bevan@croydon.gov.uk">Gillian.bevan@croydon.gov.uk</a></b>	
<b>LEAD MEMBER:</b>	<b>EXECUTIVE MAYOR JASON PERRY</b> <b>(CHAIR OF APPOINTMENTS AND DISCIPLINARY COMMITTEE)</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>	<b>Yes</b>	<p>Grounds for the exemption: Exempt under paragraph(s) 1 and 2 (Information relating to any individual and which is likely to reveal the identity of an individual) in part 1 (Appendix 1) of Schedule 12A of the Local Government Act 1972 and the public interest in withholding disclosure outweighs the public interest in disclosure.</p>
<b>WARDS AFFECTED:</b>	<b>ALL</b>	

### 1 BASIC OUTLINE OF REPORT

- 1.1. The Part B (exempt) version of this report refers to senior staffing matters, which relates to individual terms and conditions of employment, therefore the entirety of the report is in Part B.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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