

TERMS OF REFERENCE

STAFFING AND APPEALS COMMITTEE

MEMBERSHIP

A panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit. The members chosen to serve on this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

RESPONSIBILITIES

1. To decide all appeals made by employees of the Council against dismissal, suspension or other disciplinary action, relegation, grading or their rights under the National Provincial or Local Schemes of Conditions of Service in accordance with agreed local procedures and the relevant Scheme of Conditions of Service.
2. To hear appeals against action taken short of dismissal in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and conduct any further investigation it considers necessary to reach a decision either to confirm the action or to award no sanction or a lesser sanction. ~~determine disciplinary, capability, grievance and appeal matters in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) Regulations 1993 and the Local Authorities (Standing Orders) (England) Regulations 2001~~
3. To deal with all other employment matters which are not delegated to the Head of Paid Service and which are non- executive matters under the Local Authorities (Functions and responsibilities) (England) Regulations 2000
4. As a local choice function to determine an appeal against any decision made by an on behalf of the Council (except those made by the regulatory committees.

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

A panel of five councillors, one of whom will be a member of the Cabinet. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit. The members chosen to serve on this Committee may not also sit on the Staffing and Appeals Committee in respect of the same matter.

RESPONSIBILITIES

1. To conduct an initial assessment of the allegations against the Chief Executive or other issues under investigation
2. To consider whether it is appropriate to suspend the Chief Executive if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Chief Executive might compromise the investigation or impair the efficient exercise of the council's functions.
3. The Chairman of the IDC may suspend the Chief Executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Chief Executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Chief Executive and the investigation.
5. To review the suspension of the Chief Executive after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Chief Executive or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Chief Executive the opportunity to state his / her case and to question witnesses, where relevant, before making a decision.

INDEPENDENT PANEL

MEMBERSHIP

A panel shall comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

Invitations for membership of the Panel shall be issued in accordance with the following priority order, as and when the Panel is required to sit:

(a) an independent person who has been appointed by the council and who is a local government elector in the authority's area

(b) any other independent person who has been appointed by the council and

(c) an independent person who has been appointed by another council or councils

RESPONSIBILITIES

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of the Chief Executive:

- to receive any oral representations from the Chief Executive,
- to invite any response on behalf of the IDC to the points made
- to review the decision and prepare a report for Council offering any advice, views or recommendations it may have to the council on the proposal for dismissal

Appropriate training should be provided for Independent Panel members.

Members of an Independent Panel may claim out of pocket expenses in relation to their work on the Panel.