

**To the Chair and Members of the
CHIEF OFFICERS' APPOINTMENTS AND CONDITIONS OF SERVICE
COMMITTEE**

**TERMS OF REFERENCE OF THE
CHIEF OFFICERS' INVESTIGATORY SUB-COMMITTEE**

WARDS AFFECTED	RELEVANT OVERVIEW AND SCRUTINY PANEL
ALL	N/A

PURPOSE

1. The purpose of this report is to note the Terms of Reference of the Chief Officers' Investigatory Sub-Committee.

RECOMMENDATION

2. It is recommended that Members note the Terms of Reference of the Sub-Committee as detailed at Appendix A to the report.

BACKGROUND

3. The employment of officers, and the terms and conditions of employment, including disciplinary procedures is reserved to the Council by the Local Authorities (Responsibility for Functions) Regulations 2000 (as amended). The Council has delegated its functions to the Employee Relations Committee for most officers, and to this Committee in relation to officers employed on JNC Conditions of Service (Chief Officers, Deputy Chief Officers and the Managing Director).
4. The Local Authorities (Standing Orders) Regulations 2001 (the "Regulations") impose further restrictions and procedural requirements on the appointment and dismissal of senior officers, including the requirement to appoint a Designated Independent Person ("DIP") to investigate and report on any issues which involve the Council's Head of Paid Service, Chief Financial Officer and Monitoring Officer (the "Statutory Officers").
5. Regulations made under the Employment Act 2002 impose on all employers the obligation to have procedures to resolve both grievances and other disputes. General employment law requires that there is a separation of the functions of investigation, dismissal and appeal, and that there should be appropriate arrangements in place for grievances to be heard and determined separately.

6. Following a review of the Council's procedures relating to statutory officers in this regard, it was agreed that the Chief Officers Appointments and Conditions of Service Committee should establish a Sub-Committee to carry out certain functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
7. At its meeting on the 22nd September 2006, the Chief Officers' Appointments and Conditions of Service Committee gave approval for the establishment of the Chief Officers' Investigatory Sub-Committee.
8. The Terms of Reference for the Chief Officers' Investigatory Sub-Committee are attached at Appendix A.

LEGAL IMPLICATIONS

9. Section 101(2) of the Local Government Act 1972 provides that where any function of a Local Authority may be discharged by a Committee, then unless the Local Authority otherwise direct, the Committee may arrange for the discharge of any of those functions by a Sub-Committee.
10. The Council's Constitution provides that, subject to the approval of the Council and to any resolution of the Council, every Committee may create its own Sub-Committees to discharge any of the functions of the Authority which the Committee may discharge.

FINANCIAL IMPLICATIONS

11. The costs associated with the Sub-Committee will be contained within the existing Members Services budget.

CONCLUSIONS

12. The report proposes that the Committee notes the Terms of Reference for the Chief Officers' Investigatory Sub-Committee.

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BACKGROUND PAPERS

Report to Chief Officers' Appointments and Conditions of Service Committee
22nd September 2006

Kay Leigh
Director of People and Performance Improvement

**CHIEF OFFICERS INVESTIGATORY
SUB-COMMITTEE**

This Sub-Committee is a Sub-Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

DELEGATED MATTERS:-

To carry out the following functions of the Chief Officers Appointments and Conditions of Service Committee in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- i. To discharge the functions of the “Investigating Committee/Investigating Panel” as set out in the JNC Conditions of Service.
- ii. To consider any allegations made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer and decide if further investigation is required.
- iii. To carryout a preliminary investigation and determine if a question of discipline exists which requires investigation by a Designated Independent Person.
- iv. Subject to the Regulations, and to the extent not already delegated to an officer of the Council, to suspend the relevant officer under the terms of the relevant National Agreements.
- v. To hear evidence and representations from the Head of Paid Service, Monitoring Officer or Section 151 Officer in order to decide if a case exists.
- vi. To appoint an independent person further to statutory provisions and relevant national agreements.
- vii. To receive any reports from the Designated Independent Person and, subject to the Regulations, implement any recommendations arising from such a report.
- viii. To compromise any claims or agree terms for the settlement of any disputes arising as between the Statutory Officers and the Council.