

EMPLOYEE APPOINTMENTS/DISCIPLINARY COMMITTEE

1. AIMS AND OBJECTIVES

Within the Terms of Reference of, and under the powers and authority delegated to, the Committee to deal with appointment and disciplinary matters.

2. CONSTITUTION AND POWERS

- (i) The Employee Appointments/Disciplinary Committee will comprise five Members of the Council.
- (ii) Political balance will apply.
- (iii) The quorum of the Employee Appointments/Disciplinary Committee will be three Members.
- (iv) A Chair for the meeting will be the first item of business for each individual meeting of the Committee.
- (v) Members should attend Recruitment and Selection, Disciplinary and Equal Opportunities Training.

3. TERMS OF REFERENCE

- (1) To shortlist, interview and recommend to Council candidates for Chief Executive (Head of Paid Service), Chief Officers, the Monitoring Officer and the Section 151 Officer.
- (2) To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Statutory Officers (Head of Paid Service, Chief Finance Officer (Section 151 Officer) and Monitoring Officer) and Chief Officers including the appointment of an Independent Investigator taken from an approved list held by the National Joint Secretaries.
- (3) To carry out the function of an Investigating and Disciplinary Committee as set out in the Joint Negotiating Committee (JNC) Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers.
- (4) To consider allegations concerning the conduct or capability of Statutory Officers and Chief Officers in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation.
- (5) If appropriate, following consultation with the Associate Director: People, Culture and Performance, to suspend a Statutory Officer (in an emergency where an exceptional situation arises whereby allegations of misconduct are such that the officers remaining presence at work poses a serious risk to the Health and Safety of others or the resources, information or reputation of the Authority) or Chief Officer under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers.

- (6) In respect of Statutory Officers:
- (a) to decide whether the issue requires no further formal action; or
 - (b) if the allegations could lead to dismissal to appoint an Independent Investigator to look into the allegations. The Investigator will be taken from an approved list held by the National Joint Secretaries (the Statutory Officer has a say in which of a list of three is chosen).
 - (c) the Independent Investigator will consider whether the Statutory Officer should be suspended and recommend to the Committee accordingly.
 - (d) to receive the report of the Independent Investigator and if the proposed recommendation is dismissal to establish an Independent Panel including the two Independent Persons on the Council's Standards Committee. If one or more Independent Persons from the authority's own Standards Committee are not available to serve on the Panel then the authority must invite one or more Independent Persons who sit on the Standards Committee of another local authority or authorities and at least one Member of the EADC
- NB. The Independent Panel must be appointed at least 20 days before the Council meeting which will consider whether or not to approve a proposal to dismiss a Statutory Officer.
- (e) the Independent Panel will review the report of the Independent Investigator and compile a report of its own.
 - (f) both reports/recommendations will be presented to Council which will review and make a final decision.
- (7) In respect of Chief Officers
- (a) to appoint, if appropriate, an investigator to carry out an investigation on behalf of the Committee (which power can be delegated to an Officer);
 - (b) to receive, consider, any report of an investigator; or
 - (c) to hold a capability, disciplinary or grievance hearing; and
 - (d) following any capability and/or disciplinary hearing, to determine a course of action (up to and including dismissal) with the Council's powers under law and within its procedures.
- (8) To determine whether to carry out any disciplinary action against/dismissal of any of the Council's Associate Directors.

4. DELEGATED POWERS

Subject to the General Provisions, and Scheme of Delegation to Officers, to determine all matters within the Terms of Reference of the Committee.