

Proposed Terms of Reference

Investigating and Disciplinary Committee

(1) Purpose.

The role of the Investigating and Disciplinary Committee is to consider allegations against a Statutory Officer (Chief Executive Officer, Section 151 Officer and Monitoring Officer) which may ultimately lead to their dismissal; determine whether further investigation or action is required; determine whether action short of dismissal should be imposed or whether dismissal is recommended.

(2) Membership

The Committee shall have a membership of 3 councillors including at least one Executive member and shall not consist of members of the Grievance Committee or Employment and Appeals Committee. Where a councillor has a conflict of interests they may appoint a substitute who is also not a member of the Grievance Committee or Employment and Appeals Committee.

(3) Function

- 3.1 Consider allegations against the Chief Executive, Section 151 Officer or Monitoring Officer (Statutory Officers) which may ultimately lead to his/her dismissal, in accordance with the procedures agreed by Council]
- 3.2 Determine whether an allegation made against a Statutory Officer requires further investigation or other appropriate action
- 3.3 Give informal, unrecorded oral warnings in appropriate cases where no further formal action is required
- 3.4 Appoint an Independent Investigator, agree the terms of remuneration, provide the investigator with their terms of reference and working methods
- 3.5 Take decisions on the suspension of the Chief Executive, Section 151 Officer or Monitoring Officer while investigations are undertaken (suspensions to be reviewed after two months in conjunction with the Independent Investigator)
- 3.6 Consider the recommendations of the Independent Investigator
- 3.7 Determine whether action(s) short of dismissal should be imposed
- 3.8 Where dismissal is recommended, to refer matters to the Independent Panel for consideration, and

3.9 Recommend dismissal to Full Council.

(4) Frequency of meetings

Meetings of the Committee will be convened when required

(5) Quorum

The standard quorum for Council committees applies to this committee, but one member must be an Executive member.

(6) Appointment of Chair

A Chair to be appointed at each meeting.

Grievance Committee

(1) Purpose.

The role of Grievances Committee is to consider grievances against a Statutory Officer (Chief Executive Officer, Section 151 Officer and Monitoring Officer)

(2) Membership

The Committee shall have a membership of 3 councillors and shall not consist of members of the Investigating and Disciplinary Committee or Employment and Appeals Committee. Where a councillor has a conflict of interests they may appoint a substitute who is also not a member of the Investigating and Committee or Employment and Appeals Committee.

(3) Function

The terms of reference of the Grievance Committee apply to grievances brought against the Chief Executive Officer. A case can be referred to the Committee by either the Statutory Officer or the aggrieved employee and will be as follows:

- a) To hear the case having regard to the evidence presented to it and reach a conclusion on whether or not the grievance is upheld in full or in part;
- b) To consider, if the grievance is upheld in whole or in part, whether to include a decision or recommendation on how the issue(s) can best be resolved to the satisfaction of the aggrieved employee;

- c) To decide, where the grievance is upheld, whether there is a matter(s) of a serious nature that it should be referred to the Investigation and Disciplinary Committee

(4) Frequency of meetings

Meetings of the Committee will be convened when required

(5) Quorum

The standard quorum for Council committees applies to this committee, but one member must be an Executive member.

(6) Appointment of Chair

A Chair to be appointed at each meeting.

Independent Panel

(1) Purpose.

The Independent Panel (the Panel) is a Non-Executive Committee of Council, and is accountable to Council. It is not politically balanced as it is comprised of independent members. It is appointed under section 28(7) of the Localism Act 2011.

The purpose of the Independent Panel is to:

- (a) consider proposals for dismissal of the Chief Executive, Section 151 Officer or Monitoring Officer
- (b) offer advice, views or recommendations to Council on the proposal to dismiss.

(2) Membership

The Independent Panel comprises two independent persons.

Invitations for membership of the Panel will be issued in accordance with the following priority order:

- a. an independent person who has been appointed by the Council and is a local government elector within Bolsover District
- b. any other Independent Person appointed by the Council

- c. an independent person who has been appointed by another council.

(3) Function

Where the Investigating and Disciplinary Committee recommends the dismissal of a Statutory Officer, this recommendation needs to go before the Independent Panel. This is not a full re-hearing of the case and will not involve the calling of witnesses.

The Independent Panel should hear the reasons for the Investigating and Disciplinary Committee's recommendation and also receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the Investigating and Disciplinary Committee to the points made, and may ask questions of either party. The Independent Panel should review the Investigating and Disciplinary Committee's recommendation for dismissal and prepare a report for Council. This report should contain a clear rationale if the Independent Panel disagrees with the recommendation to dismiss.

(4) Frequency of meetings

Meetings of the Committee will be convened when required

(5) Quorum

The quorum of the Independent Panel is 2.