

APPENDIX 2

Terms of Reference for Preliminary Investigation

Subject to Approval of Council on 16 July 2012

1. Roles

Wirral Council, as the employer and acting through the Investigating and Disciplinary Committee, authorises the preliminary investigation into the roles of:

Ian Coleman Acting Chief Executive and Head of Paid Service (and Substantive S.151 Officer)

Bill Norman Director of Law, HR and Asset Management and Monitoring Officer

David Taylor-Smith Acting Director of Finance and S.151 Officer (and substantive Deputy Director of Finance)

Chris Hyams, Head of Human Resources and Organisational Development will fulfil the role the Council's 'Proper Officer' in ensuring the Council meets its statutory obligations in relation to the investigation process.

Contact details: chrishyams@wirral.gov.uk
Tel: 0151 691 8590

Administrative Support will be provided by Tony Williams, Acting Employee Relations Manager on behalf of Head of Human Resources and Organisation Development

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Tel: 0151 691 8678

2. Purpose

The purpose of this investigation is to investigate the concerns raised in the Audit Commission's Public Interest Report into the Council's Highways and Engineering Services Contract award and management, dated 8 June 2012. The concerns relate to the adequacy of the Council's corporate governance arrangements and whether:

the Acting Chief Executive and Head of Paid Service (and substantive S.151 officer) and the Director of Law, HR and Asset Management and Monitoring Officer fulfilled their statutory obligations and:

the Acting Director of Finance and S151 Officer, in his substantive role as Deputy Director of Finance, fulfilled his responsibilities and in particular his responsibility for the Council's Internal Audit and procurement functions.

3. Methodology

- (a) Undertake relevant background reading, to include:
- All relevant reports and correspondence from District Auditor in relation to Audit Commission's Public Interest Report into the Council Highways and Engineering Services Contract award and management, dated 8 June 2012
 - Review previous reports and correspondence from Audit Commission in relation to the adequacy of the Council's governance arrangements, the Council's response and actions taken in relation to those reports
 - Review the role of the Council's Corporate Governance group in ensuring the adequacy of the Council's governance arrangements
- (b) Interview (separately) Mr Norman, Mr Coleman and Mr Taylor-Smith, each of whom may be represented and prepare an interview note (to be agreed by each Officer)
- (c) In the light of (a) and (b) above, determine which other people are considered appropriate to be interviewed and ask the Council to arrange those interviews. Prepare interview notes (to be agreed with all interviewees).
- (d) The preliminary investigation process to comply fully with the Model Disciplinary Procedure and Guidance set out in JNC for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook September 2009
- (e) Confidentiality. To observe (and to require all interviewees and those present to observe) absolute confidentiality.

4. Outputs

A preliminary report relating to each officer should be produced for the Council's Investigating and Disciplinary Committee.

The report should include the investigation methodology; the evidence gathered; an analysis and findings in order to assist the Investigating and Disciplinary Committee in deciding whether;

- There are any matters that require further formal action under the Procedure; and

- There are any matters that should be referred to a Designated Independent Person (DIP) for formal investigation

5. Timescale

The issues raised are very serious and the surrounding circumstances are complex. It is not possible to set a definitive timescale for this preliminary work and the Council will be guided by the investigator in relation to this matter.

However, the most important consideration is that the investigation is thorough, fair and robust and conducted in a timely manner, in accordance with all legal requirements and appropriate guidance and good practice.