

Wirral Metropolitan Borough Council

Terms of Reference for Investigation and Disciplinary Committee (I&DC)

1.0 Scope

1.1 To investigate or take forward investigations into concerns about conduct and/or capability of Statutory Chief Officers.

1.2 To consider allegations/issues regarding disciplinary matters relating to the designated statutory officers of the Council (the Head of Paid Service, the Monitoring Officer or Chief Finance Officer) and to authorise initial investigation.

1.3 To commission and receive reports from a Designated Independent Person investigating allegations of misconduct against the designated statutory officers of the Council.

1.4 To determine appropriate action upon receipt of preliminary investigation and/or Designated Independent Person's report in accordance with regulations and JNC Terms and Conditions Handbook for Chief Executives.

1.5 To make recommendations to Council as to action taken in relation to Statutory Chief Officers as appropriate.

1.6 To enable the Council to comply with the provisions of The Local Authorities (Standing Orders) Regulations 2001.

2.0 Membership of I&DC

2.1 The Committee shall be politically balanced, shall consist of 7 Members of the Council, one of whom shall be a Member of the Executive.

2.2 Membership of the Committee shall be drawn from the nominated members of the Employment Appeals Sub-Committee.

3.0 Procedure for Investigation and Disciplinary Committee

3.1 The Local Authorities (Standing Orders) Regulations 2001 require that no disciplinary action may be taken against the designated statutory officers other than in accordance with a report made by a Designated Independent Person.

3.2 Disciplinary action is defined to mean any action occasioned by alleged "misconduct" or "gross misconduct" which, if proved, would according to the Council's usual practice, be recorded on the officer's staff personnel file.

Essentially, this covers all reasons for dismissal or other disciplinary action other than redundancy, ill health or infirmity of mind or body or the renewal of a fixed term contract.

- 3.3 It is in the interests of all parties that the proceedings be conducted expeditiously and fairly.
- 3.4 In the exercise of its function, the Committee is to receive and consider the allegations/issues and, having heard representations from the officer/his adviser and, having sought any necessary clarification from him or others, decide whether the issues require no further formal action, or whether the issues should be referred to a DIP.
- 3.5 In considering the matter, the Committee will consider whether the allegations/issues can be dismissed or whether to appoint a DIP. The threshold in deciding to appoint a DIP when considering the allegations/issues is whether:
 - 3.5.1 if proved it would be such as to lead to the dismissal or other action which would be recorded on the officer's BD's personal file; and
 - 3.5.2 there is evidence in support of the allegation/issue sufficient to require further investigation.
- 3.6 The officer has the right to be accompanied at the Committee Meeting.
- 3.7 The Council's Access to Information Procedure Rules shall apply.
- 3.8 The provisions of the Members' Code of Conduct will apply to confidential material provided to members.