

INVESTIGATING AND DISCIPLINARY COMMITTEE TERMS OF REFERENCE

1. Purpose

The Investigating and Disciplinary Committee (IDC) has been established by the Personnel Board to:

- a) deal with all disciplinary matters relating to “relevant Officers” as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- b) carry out all the actions set out for the Investigating and Disciplinary Committee (IDC) in the Model Procedure Flow Diagram (as included in the Model Disciplinary Procedure and Guidance for Chief Executives) (see Appendix).

2. Composition of the Investigating and Disciplinary Committee

The Investigating and Disciplinary Committee shall consist of three Members drawn from the membership of the Personnel Board, including substitute members. Seats will be allocated, as and when the Committee is required to sit, in line with section 3 below. Seats will also be allocated in accordance with the proportionality rules and one of the members of the Committee must be an Executive Member.

The Members appointed to sit on the Committee must not have sat on any other body, including the Appeals Sub-Committee, in respect of the matter under consideration or had any previous involvement in the matter.

3. Allocation of Seats on the Investigating and Disciplinary Committee

The following process will be used to allocate seats on the Committee:

- 1) Democratic Services, in consultation with the Chairman of Personnel Board and HR, will agree an appropriate date and time to hold the Committee meeting;
- 2) Democratic Services will e-mail members of the Personnel Board, including substitute members, to ascertain who would be available on the agreed date and they will be given 48 hours to respond;
- 3) From the responses received the Lead Specialist HR (or their nominated representative), in the presence of a Democratic Services Officer, will by anonymised ballot randomly pick Members for the Committee in accordance with the requirements of section 2 above. A substitute member for each category outlined in section 2 above will also be picked;

- 4) Those Members chosen to sit on the Committee will then be contacted and advised of the matter that will be considered by the Committee. They will then need to provide written confirmation that they do not have a conflict of interest in relation to the matter under consideration and have not previously declared a view either for or against the matter in public.
- 5) The Monitoring Officer/Deputy Monitoring Officer will be advised of those Members who have been selected to sit on the Committee in order that they can, if necessary, raise any objections about their suitability.

4. Meetings of the Investigating and Disciplinary Committee

Meetings of the Investigating and Disciplinary Committee will be held in private as and when required.

5. Chairman

The Chairman of the Investigating and Disciplinary Committee will be appointed at the first meeting of the Committee.

6. Quorum

The quorum of a meeting of the Investigating and Disciplinary Committee will be three.

7. Public and Member Questions

No public or Member questions may be asked at Investigating and Disciplinary Committee meetings.