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| **REPORT TO** | **ON** | |
| **Governance Committee** | **8 July 2020** | |
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| **TITLE** | | **REPORT OF** | |
| **Appointment and Employment Panel** | | **Shared Services Lead - Legal & Deputy Monitoring Officer** | |

**PURPOSE OF THE REPORT**

1. This report proposes an updated section in the Constitution relating to the Terms of Reference for the Appointment & Employment Panel. It is for Governance Committee to consider these proposed provisions. Any amendments to the Constitution also require the approval of full Council.

**RECOMMENDATIONS**

1. That Committee should consider and amend as appropriate the proposed Terms of Reference for the Appointment & Employment Panel set out in the Appendix to this report prior to submission to Full Council.

**CORPORATE OUTCOMES**

1. The report relates to the following corporate priorities:

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| Excellence, Investment and Financial Sustainability | X |
| Health, Wellbeing and Safety |  |
| Place, Homes and Environment |  |

Projects relating to People in the Corporate Plan:

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| Our People and Communities |  |

**BACKGROUND TO THE REPORT**

1. All Councils are required to have a written Constitution which sets out the Council’s internal governance arrangements, approved procedures and protocols. A great deal of work has been done in recent years to update the Constitution. One of the areas remaining that needed to be looked at was the section dealing with the Appointment and Employment Panel.
2. The Constitution does not currently contain any written Terms of Reference for the Council’s Appointment & Employment Panel. All that is stated (in part 2K) is: “*To deal with the recruitment of and any disciplinary issues relating to the council’s Statutory officers.”* The role of this Committee was approved by full Council in October 2016 and the Terms of Reference have been drafted to take into account the information within the report, including the establishment of an Initial Filter Panel.

**PROPOSALS**

1. The proposed new section (the Appendix) sets out the following:

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| **1.Appointment & Employment Panel** | Summarises the role of the Panel to deal with the recruitment of specified senior officers & to deal with any disciplinary issues relating to the Council’s statutory officers. | All provisions are new as there have been no previous formal Terms of Reference. |
| **2. Membership** | 5 Members politically balanced.  Chair appointed at each meeting. |  |
| **3.Terms of Reference** | To deal with the recruitment of the CEO & other specified senior officers |  |
| **4. Initial Filter Panel** | Sets out membership & role  to consider any initial allegations or complaints against the Statutory Officers & determine whether to proceed to the first stage of the model disciplinary procedure |  |
| **5. Investigating & Disciplinary sub Committee (IDC)** | Sets out membership & role  Functions include:   * to undertake an initial assessment of any allegations referred by the Initial Filter Panel against the Statutory Officers * to determine whether to commission an independent investigator. * To consider whether the statutory officer should be suspended or whether that suspension should continue * To consider any investigation report & recommendations & any sanctions. |  |
| **6. Power to Suspend** | In exceptional circumstances the Chair of the Appointment and Employment Panel is given an explicit power to suspend the Chief Executive prior to consideration by the IDC |  |
| **7. Appeals Committee** | Sets out membership and role to hear an appeal against a decision of an Investigating and Disciplinary sub Committee to impose a sanction (less than dismissal) on a statutory officer |  |

**CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

1. Ordinarily this would have been discussed first at a working group of the Governance Committee. In the circumstances prevailing with the Coronavirus Pandemic that was not possible. After being considered by Governance Committee the proposals will be considered by Full Council.

**AIR QUALITY IMPLICATIONS**

1. There are no Air Quality implications.

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

1. There are no financial implications arising from the report.

**COMMENTS OF THE MONITORING OFFICER**

1. It is important that the Constitution is reviewed and updated on a regular basis.

**OTHER IMPLICATIONS:**

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| * **Risk** * **Equality & Diversity** | There are no risk concerns that need to be flagged up here. The principal purpose of the changes is to make it as clear as possible what the role of the Appointments and Employment Panel is.  There are no implications here to note. |

**There are no background papers to this report**

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**APPENDIX**

Appendix 1 - Proposed new wording – Appointment and Employment Panel

LT Member’s Name – David Whelan

Job Title: Shared services Lead - Legal

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