

Appointments (Investigating and Disciplinary) Sub-Committee

Meeting of held on Thursday, 28 April 2022 at 3.00 pm in Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA

MINUTES

Present: Councillor Joy Prince (Chair);
Councillor Lynne Hale (Vice-Chair);
Councillor Hamida Ali

Also Present: Dean Shoesmith, Chief People Officer
Looqman Desai, Interim Deputy Monitoring Officer
Tariq Aniemeka-Bailey, Trainee Democratic Services and Governance Officer
Stephen Rowan, Head of Democratic Services

PART A

8 **Apologies for Absence**

The Sub-Committee noted that apologies for absence had been received from Councillor Muhammad Ali, and that Councillor Hamida Ali was attending as his substitute.

9 **Disclosure of Interest**

There were no additional disclosures of interest.

10 **Minutes of Previous Meetings**

The minutes of the meeting held on 30 April 2021 and reconvened on 5 May 2021 and 21 May 2021 were agreed as a correct record subject to the removal of 'QC' from Sally Robertson's name.

The minutes of the meeting held on 28 June 2021 were approved as a correct record subject to the removal of 'QC' from Sally Robertson's name and the inclusion of Councillor Hamida Ali on the attendance list as a substitute for Councillor Joy Prince.

11 **Urgent Business (if any)**

There were no items of urgent business.

12

Exclusion of the Press and Public

The following motion was moved by Councillor Hamida Ali, seconded by Councillor Hale and

RESOLVED:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

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Confidential Minutes of Previous Meetings

The confidential minutes of the meeting held on 30 April 2021 and reconvened on 5 May 2021 and 21 May 2021 were agreed as a correct record subject to the removal of 'QC' from Sally Robertson's name.

The confidential minutes of the meeting held on 28 June 2021 were approved as a correct record subject to the removal of 'QC' from Sally Robertson's name.

14

Reference

Investigation into Allegations of Misconduct - updated Terms of

The Sub-Committee considered the report of the Chief People Officer. Through the Chief People Officer's introduction and subsequent questioning, the Sub-Committee noted:

- The reasons why investigations had not continued in regard to the former Executive Director of Place and the former Executive Director of Resources and Monitoring Officer as set out in paragraphs 2.4, 2.5 and 3 of the report.
- That the Council had no contractual powers to compel former employees to participate in a disciplinary process.
- That neither employee had instigated any proceedings against the council and that the time limit for instigating any proceedings with an employment tribunal, namely three months, had passed.

- That if either former employee requested a reference, the Council would provide a factual reference only in keeping with case law regarding negligent misrepresentation.

At the conclusion of questions and debate, it was

RESOLVED:

1. That the rationale for ceasing the disciplinary investigation into the alleged gross misconduct of the former Executive Director of Place be noted and that the amendment of the terms of reference of the Investigation as detailed in section 2 of the report be agreed.
2. That the rationale for the cessation of any disciplinary action against the former Executive Director of Resources and Monitoring Officer be noted.

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Investigation into Allegations of Misconduct - Progress Update

The Sub-Committee considered the report of the Chief People Officer.

At the outset of the item, Members heard that the third recommendation in the report, in relation to a review of the suspension of the Executive Director of Localities and Resident Pathway, had been withdrawn. Members further heard that officers would, in accordance with the Joint Negotiating Committee (JNC) model procedure, begin consultation with the Independent Investigator, the Executive Director and management representatives in order for the suspension to be reviewed as soon as possible following the local elections and subsequent annual council meeting.

In considering the report, the Sub-Committee noted the following:

- That the council had considered all other options available to it before deciding to pursue disciplinary allegations of gross misconduct against the Executive Director.
- That delegated powers to officers allowed an extension of the Executive Director's temporary contract until no later than 30 June 2022, and that any further extensions would be submitted to Members for approval is required.
- That the Independent Investigator would present recommendations to the Council in relation to each of the nine allegations against the Executive Director.

Following consideration it was

RESOLVED:

1. That the progress of the independent investigation into disciplinary allegations of gross misconduct against the Executive Director of Localities and Residents Pathways be noted.
2. That the extension of the Executive Director of Localities and Residents Pathways fixed term contract until 30 June 2022 be noted.

The meeting ended at 4.25 pm