



FULL COUNCIL REPORT

Date Written	20 th July 2021
Report Author	Ann Taylor
Service Area	Democratic Services
Exempt/Non Exempt	Non Exempt
Committee Date	8 th September 2021

To: Mayor, Ladies and Gentlemen

Establishment of an Investigating and Disciplinary Committee

1.0 SUMMARY OF THE REPORT

- 1.1 In principle it is for each local authority to determine its procedures and practical arrangements for the handling of disciplinary action.
- 1.2 However, in the case of a Head of Paid Service (Chief Executive) and statutory officers, there are further legal requirements for certain types of disciplinary action and dismissal, including a designated independent person, an Investigating and Disciplinary Committee and an Appeals Committee.
- 1.3 Whilst Merthyr Tydfil County Borough Council has an established Appeals Committee, it does not currently have an appointed Investigating and Disciplinary Committee.
- 1.4 This report recommends that the duties of the Investigating and Disciplinary Committee be undertaken by the three Councillors who sit on the authority's Standards Committee and whose role is approved each year at AGM.

2.0 RECOMMENDATIONS that

- 2.1 An Investigating and Disciplinary Committee to deal with disciplinary issues regarding the Head of Paid Service and statutory officers be established.
- 2.2 Membership of this committee comprising of the three politically balanced Councillors who sit on the Council's Standards Committee whose roles are agreed each year at AGM, be approved.

- 2.3 The Constitution to include the committee, its membership, roles and responsibilities, be updated.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 In Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for Chief Executives in their roles as Head of Paid Service of local authorities.
- 3.2 The regulations require that a Designated Independent Person is required to investigate and make recommendations in the event of disciplinary action being taken against the Chief Executive and statutory officers.
- 3.3 There is also a requirement for an authority to establish an Investigating and Disciplinary Committee and an Appeals Committee so that they are in place to begin investigations promptly, without delays or complications, if a disciplinary issue arises.
- 3.4 Merthyr Tydfil County Borough Council has an Appeals Committee in place but does not currently have an approved Investigating and Disciplinary Committee which must be politically balanced and requires at least three elected members.

4.0 THE ROLES OF STANDARDS COMMITTEE AND INVESTIGATING AND DISCIPLINARY COMMITTEE

- 4.1 The Council has a Standards Committee whose role it is to promote and maintain high ethical principles, enforce local protocols and deal with reports from the Public Services Ombudsman for Wales.
- 4.2 Commensurate with their role, the nine members of the Standards Committee, three of whom are Councillors, receive comprehensive training and have experience dealing with disciplinary issues.
- 4.3 If approved by Full Council, the Constitution would be amended to include an Investigating and Disciplinary Committee whose duties would be discharged by the three Councillors who sit on the Standards Committee.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Neutral/Not Applicable
1. Merthyr Tydfil Well-being Objectives	0 of 4	0 of 4	4 of 4
2. Sustainable Development Principles - How have you considered the five ways of working? <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	1 of 5	0 of 5	4 of 5
3. Protected Characteristics (including Welsh Language)	0 of 10	0 of 10	10 of 10
4. Socio-economic Disadvantage	0 of 6	0 of 6	6 of 6
5. Consultation and Engagement	Undertaken	Due to be Undertaken	Not Required
	0 of 1	0 of 1	1 of 1
6. Data and Evidence to inform the proposal	Yes		No
	0 of 1		1 of 1
7. Biodiversity and the resilience of Ecosystems	Maintained	Enhanced	Reduced
	0 of 1	0 of 1	0 of 1
Summary			
The main positive impacts are:	We will have an established committee in place who are trained and able to deal with any relevant investigations or disciplinary matters.		
The main negative impacts are:	N/A		

CARYS KENNEDY
HEAD OF LEGAL AND GOVERNANCE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
& CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Local Authorities Standing	2006	Democratic Services

Orders (Wales) Regulations		
Model Disciplinary Procedure and Guidance (in JNC Conditions of Service Handbook)		Human Resources
Does the report contain any issue that may impact the Council's Constitution?		Yes

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.