

Appointments Committee Agenda



To: Councillor Hamida Ali (Chair)

Councillors Jason Cummings, Lynne Hale, Stuart King, Joy Prince and Callton Young

A meeting of the **Appointments Committee** which you are hereby summoned to attend, will be held on **Wednesday, 17 March 2021 at 11.30 am. This meeting will be held remotely**

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Democratic Services
Democratic.Services@croydon.gov.uk
www.croydon.gov.uk/meetings
Tuesday, 9 March 2021

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If you require any assistance, please contact Meeting Contact as detailed above.

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from members of the Committee

2. Disclosure of Interest

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

3. Urgent Business (if any)

To receive notice from the Chair of any business not on the Agenda which should, in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

4. Review of Temporary Chief Officer Cover Arrangements (Pages 5 - 8)

To consider a report of the Director of Human Resources.

5. Independent Investigation in Response to the Report in the Public Interest (Pages 9 - 22)

To consider a report of the Interim Chief Executive.

6. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“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 those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

7. Independent Response to the Report in the Public Interest

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REPORT TO:	Appointments Committee 17th March 2021
SUBJECT:	Review of temporary chief officer cover arrangements
LEAD OFFICER:	Sue Moorman, Director of Human Resources
FINANCIAL IMPACT:	
<p>There is no additional expenditure arising directly from the recommendations contained in this report beyond the salaries that are being paid to the individuals providing cover in these essential roles</p>	
1. RECOMMENDATIONS:	
<p>Members of the Appointments Committee are recommended to:-</p>	
1.1	<p>Agree, in accordance with paragraph 3.3(1) of Part 4J (Staff Employment Procedure Rules) of the Constitution, to delegate to the Head of Paid Service the decision whether or not to extend current temporary cover arrangements for the Chief Officer posts set out in recommendation 1.2. for a further period of up to six months, pending the approval of the senior management reorganisation and subsequent permanent recruitment processes via the Appointments Committee. The delegation to be subject to the usual notification requirements in paragraph 3.3.3 and notifying any extension of the temporary appointments to the next meeting of full Council.</p>
1.2	<p>Note that the chief officer roles in consideration are :-</p> <ul style="list-style-type: none"> 1.2.1 Executive Director of Children, Families and Education 1.2.2 Assistant Chief Executive 1.2.3 Director of Education 1.2.4 Director of Commissioning and Procurement 1.2.5 Director of Children's Improvement & Quality
1.3	<p>For the appointment committee to note the 3 months extension of the agency placement cover for the Director of Housing and Social Investment.</p>

2 EXECUTIVE SUMMARY

- 2.1 In accordance with paragraph 3.3 of the Staff Employment Procedure Rules (Part 4J) in the Council's Constitution, the appointment of Chief Officer posts is a matter reserved for an Appointments Committee, unless specifically delegated by them. The Head of Paid Service may make temporary appointments of chief officers up to six months, with notification to the next full council meeting.
- 2.2 The council has commenced a comprehensive set of improvement activities, as detailed in the Croydon Renewal Plan and to ensure a focus on delivery, there needs to be robust management of the organisation. There are a currently a

number of temporary cover arrangements in place at chief officer level that are due to conclude at the end of March 2021. These are in place primarily pending the planned reorganisation of the top 3 tiers of the council's management. Cover is in place to ensure continuity and support for all staff teams pending the implementation of any new agreed structure.

- 2.3 The planned timetable for implementation has been necessarily delayed due to other internal processes that have taken precedence. This has meant that recruitment to key appointments has not started as anticipated. It is therefore necessary for good operational and business efficiency that the cover arrangements are extended to provide continuity and ensure progress on key projects is not delayed.

3 BACKGROUND AND CONTEXT

- 3.1 In September 2020 a number of fixed term appointments and secondments were made at chief officer level from internal resources, to maintain Director level accountability for a number of key areas of service. It was recognised that as an interim chief executive had been appointed, there needed to be a period of temporary cover as a fuller assessment of the needs of the organisation was undertaken.

- 3.2 The Director posts in question were:-

3.2.1 Director of Education, had been planned for permanent recruitment but it was agreed to pause this and extend the temporary arrangements to 31st March 2021.

3.2.2 Director of Commissioning & Procurement, the permanent postholder had resigned and a secondment was offered until 31st March 2021.

3.2.3 Director of Children's Improvement and Quality, this was a temporary role until 31st March 2021

- 3.3 Separately at the executive leadership level the permanent Executive Director of Children, Families and Education had resigned and the interim CEO made a six month appointment, in accordance with the delegations in the constitution, to the role. Additionally, working with the local government association a six month appointment for an Assistant Chief Executive, to work with the CEO was agreed. Both these arrangements are also due to expire on 31st March 2021.

- 3.4 The Interim CEO started extensive consultation on a set of proposals for the reorganisation of the top three tiers of management on 9th December 2021. The organisation responded with constructive feedback and support for the changes and the consultation ended on 31st January 2021.

- 3.5 Due to other issues arising in regard to the existing management arrangements, the restructure had to be paused whilst full consideration takes place. Planning is underway to determine how to restart the process.

- 3.6 Whilst these issues are under proper consideration, it is recognised that the organisation needs some managerial stability to maintain service delivery and work on the Renewal Plan. Staff confidence in management arrangements is crucial as is a sense of continuity, where possible in the short term.
- 3.7 The current temporary post holders are currently fully engaged in the planning and delivery of the budget of their services and are providing operational oversight and guidance to the services. There are no concerns about their performance and there are suitable and sustainable backfill arrangements in place.
- 3.8 The Improvement and Assurance Panel have expressed concerns about the need for the organisation to resolve its restructure and have in place a fully staffed senior management team. Also they have advised us to ensure that the Council has appropriate interim arrangements whilst that concludes.
- 3.9 In taking the decision to delegate the decision to extend the temporary arrangements for up to a further 6 months to the CEO in this instance, will ensure quick reassurance for the staff concerned and the organisation more generally. Also as it is possible that as some of these individuals will come before an Appointments Committee later as part of the restructure, the delegation of the decision to extend will provide a level playing field for assessment at that later time with any other candidates.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no additional finance requests beyond payment of salaries that are committed in the budget to cover these fixed-term contract extensions.
- 4.2 Approved by: Matt Davis, Deputy S151 Officer

5. LEGAL CONSIDERATIONS

- 5.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that the Council may generally appoint such staff as it considers necessary for the proper discharge of its functions on such reasonable terms and conditions, including remuneration, as the Council thinks fit.
- 5.2 The function of appointment of a member of staff of the authority must generally be discharged, on behalf of the authority, by the Head of Paid Service or by an officer nominated by the Head of Paid Service. However, paragraph 3.3(1) of the Staff Employment Procedure Rules in Part 4J of the Constitution provides that with regard to the appointment of Chief Officers the function will usually be carried out by the Appointments Committee.

- 5.3 The definition of 'Chief Officer' in Part 4J of the Constitution includes interim appointments to Chief Officer positions such as the posts set out in paragraph 1.2 of the recommendations contained in this report.
- 5.4 Separately, paragraph 3.3(2) of the Staff Employment Procedure Rules in Part 4J in the Constitution delegates to the Head of Paid Service authority to make temporary appointments of Chief Officers for a period of up to 6 months subject to the notification requirements in paragraph 3.3.3 to ensure that the Leader and any other Cabinet Members have no objections to the offer of appointment before an offer of appointment is made to him/her. Such temporary appointments must also be notified to the next meeting of full Council.
- 5.5 The proposal is to seek approval from the Committee to delegate to the Head of Paid Service authority to decide whether or not a further extension of the temporary appointments to the posts identified in paragraph 1.2 of the recommendations for an additional period of up to 6 months subject to usual notification requirements to the Leader and Cabinet Members and the next meeting of full Council should be agreed.
Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the interim Director of Law and Governance.

6. HUMAN RESOURCES IMPACT

- 6.1 There are no additional human resources impacts beyond those described in the body of the report.
- 6.2 Approved by: Sue Moorman, Director of Human Resources

7. DATA PROTECTION IMPLICATIONS

- 7.1 The recommendations contained within this report will not directly involve the processing of data
- 7.2 Approved by: Elaine Jackson, Interim assistant Chief Executive

CONTACT OFFICER:

Sue Moorman, Director of Human Resources ext 60881

APPENDICES:

None

Agenda Item 5

REPORT TO:	APPOINTMENTS COMMITTEE 17th March 2021
SUBJECT:	INDEPENDENT INVESTIGATION IN REPONSE TO THE REPORT IN THE PUBLIC INTEREST
LEAD OFFICER:	Katherine Kerswell, Interim Chief Executive
WARDS:	ALL
FINANCIAL IMPACT: While there are no additional costs arising directly from the recommendations detailed in this report, there may be additional costs incurred should any staffing disciplinary or Member code of conduct matters proceed to formal investigation. These costs will include the remuneration of independent investigators, external advice to Members of the relevant Committees considering such matters and any necessary training for those Members.	

1. RECOMMENDATIONS

The Appointments Committee is recommended to:

- 1.1 Receive the report of the independent investigation into corporate management actions, organisational systems and environment, commissioned in response to the Report in the Public Interest;
- 1.2 Confirm their assurance of the processes followed in the production of the report; and
- 1.3 Subject to recommendation 1.2 above, consider the further recommendations detailed in the accompanying Part B report.
- 1.4 Recognise that it is necessary for the members of the Committee to consider the report of the independent investigation for the limited purposes set out in this report only. In view of the ongoing confidentiality of the report of the independent investigation pending the outcome of any and all individual processes, the report of the independent investigation shall not, at this time, be publicly accessible.

2. EXECUTIVE SUMMARY

- 2.1 This report asks Members of the Appointments Committee to receive the report of the independent investigation into corporate management actions, organisational systems and environment in response to the Report in the Public Interest, (from herein referred to as 'the investigation').

- 2.2 The Committee is further asked to assure itself that the methodology followed in the production of the report on the investigation enables the Committee to place reliance upon that report in considering the recommendations detailed in the accompanying Part B report.

3. BACKGROUND AND CONTEXT

- 3.1 At the Extraordinary Full Council meeting held on 19 November 2020, the Council received a Report in the Public Interest issued by the Council's external auditors, Grant Thornton. That report detailed significant issues relating to the Council's financial position, its financial governance and its overall effectiveness as an organisation.
- 3.2 In receiving that report, the Council also noted that an independent investigation of senior management actions in regard to the findings of the Report in the Public Interest had been commissioned by the Interim Chief Executive to gain understanding into how the Council had reached this situation and , if that if any concerns were identified then due consideration would be given to whether any action would be taken be taken under the relevant processes. .
- 3.3 While the investigation was commissioned in response to the Report in the Public Interest, there have been several further reviews and reports that have commented and made recommendations relating to the Council's financial position, governance and effectiveness, which set the wider context in which the Council has been operating.
- 3.4 Those reports include the Strategic Review of Companies and Entities, commissioned by the Council and undertaken independently on the Council's behalf; and the Non-Statutory Rapid Review of the Council undertaken by the Ministry for Housing, Communities and Local Government. Both of these reviews have also identified significant issues relating to the Council's financial position and financial and general governance.
- 3.5 In December 2020, the Council's former Director of Finance, Risk and Insurance issued two Section 114 Notices. Those two Notices stated that the Council would not be able to balance its budget in the 2020/21 financial year or over the Medium Term Financial Strategy Period (2021/24). The Section 114 Notices further stated that the Council would not be able to deliver a balanced budget, as it is statutorily required to, until such time as it received external support in the form of a capitalisation direction request of up to £150 million from the Ministry of Housing, Communities and Local Government (MHCLG).

4. THE INDEPENDENT INVESTIGATION

- 4.1 The independent investigation was commissioned on 10th November 2020. The Local Government Association (LGA) supported the Council by facilitating the identification of a suitable independent person to undertake the investigation and by providing a support grant to the Council which was then used to fund the costs of the investigation.

- 4.2 Following consultation with the LGA and consideration of three possible individuals to undertake the investigation, Richard Penn, a senior LGA Associate and former Council Chief Executive who is a national expert on senior management performance and disciplinary process issues in local authorities, was appointed by the Interim Chief Executive on the 12th November 2020 to undertake the investigation. The Terms of Reference for the investigation and the CV of Richard Penn are attached to this report at Appendix 1 and 2 respectively.
- 4.3 The original brief for the investigation was shared with the initial list of 31 people to be interviewed as agreed between the Interim Chief Executive and Richard Penn. Each interviewee was offered the opportunity to suggest others to be interviewed whom they considered would be relevant and helpful to the investigation. Terms of Reference were then drawn up and these were shared with the Executive Leadership Team for consultation and feedback on 24th November 2020. The final Terms of Reference were then issued on 27th November 2020.
- 4.4 Interest grew in the investigation and so its Terms of Reference were shared with all Council staff and elected members on 27th November 2020 and a general invitation was made to anyone who wished to come forward to contact Richard Penn for an interview or to send him information and/or comments via a secure email address. In the event, the interviewee list grew to 64 people. In addition, a number of people made written submissions. The initial timeline for the investigation was for interviews to be concluded by the end of November and for the report on the investigation to be submitted to the Interim Chief Executive by the end of December. Due to the significant additional number of individuals to be interviewed and a short period of ill health, the timeline for the investigation was extended by 5 weeks.
- 4.5 It was made clear in the invitation email and the Terms of Reference that the investigation was intended to build a better understanding of what has happened at the Council which led to the Report in the Public Interest and the other independent reports. The email emphasised the Council's commitment to building a 'culture of accountability', and that the investigation was not about placing blame but seeking understanding. It also made very clear that if there were issues or concerns that came to light during the interviews and/or in the investigation generally that needed to be addressed through other formal processes, then that would be given due consideration.
- 4.6 At the outset of each interview, all participants were reminded of the Terms of Reference for the investigation, the purpose of the investigation and why it had been commissioned. A copy of the information that all interviewees were given at the start of their interviews is attached to this report at Appendix 3.
- 4.7 The Terms of Reference made it clear that the report on the investigation would not identify individuals either by name or job title. Some individuals when interviewed stressed the need for confidentiality for their contribution. Others stated they did not mind if their contribution was made public. All those interviewed were informed at the start of the interview that the Council had confirmed that the report on the investigation would at some point be in the public domain.

- 4.8 Each interviewee received a draft record of their interview with Richard Penn and they were then asked to amend or agree the record as an accurate and true record of their interview. The report on the investigation has drawn on the final agreed and signed records of each interview.
- 4.9 The report on the investigation was received by the Interim Chief Executive on 9th February 2021 following clearance with the Council's external legal advisers. The Committee will be aware that following receipt of that report, immediate action was taken in line with the Council's staffing and Code of Conduct processes in relation to the concerns that have been raised in the report. As part of that initial action, each individual was given the opportunity of checking the report for factual accuracy. At the time of writing this report, four of the nine individuals concerned have not requested that any changes are needed to be made within the deadline given for feedback. If any feedback on factual accuracy is received from the remaining five individuals, this will be fully considered by Richard Penn and any changes reported to the Committee meeting.
- 4.10 The taking of immediate action is both in line with and a reflection of the new administration's commitment to new ways of working in the Council, namely that Croydon 'will aim to become a much more transparent, open and honest Council'.
- 4.11 In receiving the investigation report, the Committee is asked to assure itself that it can place reliance on the investigation, the resulting report and its conclusions and its recommendations, and to decide whether on that basis it can give the necessary consideration to the recommendations detailed in the Part B report that accompanies this report.
- 4.12 In making that assessment of the investigation, the Committee may give consideration, amongst any other tests that it may wish to consider, to the following:
- i) The relevant skills and experience of the independent investigator;
 - ii) The methodology as explained by the investigator;
 - iii) The opportunities available to individual officers and elected members to participate in the investigation without fear of recrimination;
 - iv) The opportunities available to those interviewed to agree the records of their evidence; and
 - v) The independence of the investigation;
- 4.13 In making this assessment, it is important that the Committee focuses its attention, questioning on the process followed by the investigator, and does not stray into the content of his report, and/or the opinions of the interviewees contained within it.
- 4.14 It is important to stress to the Committee that the report itself does not express the formal views and opinions of the Council. It sets out what has already been said in a number of documents that are already in the public domain such as the Report in the Public Interest and the MHCLG Rapid Review report. It also contains the genuinely held personal and professional views and opinions of a

large number of individuals: elected members, senior Council officials and representatives of external partners who have been involved in the events over the past few years. It is the triangulation of the views expressed that has given rise to concerns that need to be addressed through other processes.

- 4.15 The Committee will be aware that the content of the report on the investigation is to be considered as part of separate formal processes being undertaken by both the Appointments (Investigating and Disciplinary) Sub-Committee and the Ethics (Assessment) Sub-Committee. Members are advised that any debate of the content of the report on the investigation may prejudice the proper consideration of the issues by those two Sub-Committees in line with the Council's constitutional, contractual and other legal obligations.
- 4.16 The Independent Investigator, Richard Penn, will be in attendance at the Committee meeting to answer any questions that Members may have in considering arrangements for the investigation.
- 4.17 It is recognised that it is necessary for the members of the Committee to consider the report of the independent investigation for the limited purposes set out in this report only. In view of the ongoing confidentiality of the report of the independent investigation pending the outcome of any and all individual processes, the report of the independent investigation shall not, at this time, be publicly accessible.

5. FURTHER ACTIONS TO BE CONSIDERED

- 5.1 If the Committee confirms its assurance in regard to the processes followed in its production it will be asked during confidential session to consider further recommended actions in response to the findings in the report.
- 5.2 Those recommended actions are detailed in the accompanying Part B report.

6. CONSULTATION

- 6.1 The report on the investigation has been produced following 64 interviews with Members, current staff, former staff and external partners.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 7.1 The cost of the investigation has been met by the LGA as part of their improvement support grant to Croydon Council. The report is the product of 64 interviews and the review of a large number of written external reports as well as substantial documentary material provided by the Council. The cost to date of the investigation including the production of the report is £23,400.00
- 7.2 While there are no direct costs arising from the recommendations detailed in this report, there could be additional costs incurred should any staffing disciplinary or Member Code of Conduct matters proceed to formal investigation. These costs will include the remuneration of independent investigators, external advice to Members of the relevant Committees considering such matters and any necessary training for those Members.

Approved by: Matthew Davis, Deputy S151 Officer

8. LEGAL CONSIDERATIONS

8.1 The Interim Director of Law & Governance comments that external legal advice has been sought on the content of this report and that advice is as follows:

8.2 It is appropriate that the report of the independent investigation is formally recorded as having been received by the Council.

8.3 It is rational that the Council should undertake an assurance exercise in relation to the report of the independent investigation. This is the specific purpose of the public element of this Committee meeting. As explained, in receiving the report of the independent investigation during the public element of this Committee meeting, the Committee is expressly not to enquire into the substance of the report as it addresses individuals.

8.4 Whilst there is ongoing consideration of whether or not to instigate a formal process in respect of one or more individuals or if any such process has been instigated until it has been finally concluded, the public disclosure of the report of the independent investigation could be prejudicial to any such process. On the basis that the report of the independent investigation includes:

- Information relating to any individual (para 1, Schedule 12A Local Government Act 1972)
- Information which is likely to reveal the identity of an individual (para 2, Schedule 12A Local Government Act 1972);

it may constitute exempt information.

8.5 Paragraph 10 of Part II of Schedule 12A Local Government Act 1972 provides that information is only “exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information”. It is considered that there is an exceptionally strong public interest in seeking to ensure that the consideration of any formal process in respect of any individual is as fair as possible. Accordingly, the report of the independent investigation constitutes exempt information and should not be disclosed at this stage.

9. HUMAN RESOURCES IMPACT

9.1 There are no additional human resources impacts beyond those described in the body of the report and the accompanying Part B paper.

Approved by: Sue Moorman, Director of Human Resources

10. DATA PROTECTION IMPLICATIONS

- 10.1 The data protection and confidentiality implications concerning the report of the independent investigation have been given careful consideration.

It has always been the intention that, at the appropriate time, the report of the independent investigation should be placed into the public domain.

Richard Penn took measures in receiving information and compiling his report to inform all interviewees that the information they provided would, in due course, be placed into the public domain and to ensure that information that may have enabled individuals to be identified was kept to a minimum.

Whilst there is any process taking place in respect of an individual arising from the recommendations of the report, it is considered that the publication of the report could be prejudicial to such process and as a result the report will not be placed into the public domain until all such processes have finally concluded. Strict confidentiality requirements have been imposed when the draft report has been disclosed to relevant persons for comment.

Approved by Elaine Jackson, Interim Assistant Chief Executive

CONTACT OFFICER: Katherine Kerswell, Interim Chief Executive

APPENDICES TO THIS REPORT:

Appendix 1 – Terms of Reference for the Independent Initial Investigation

Appendix 2 – CV of Richard Penn

Appendix 3 – Introductory text read at the outset of each interview

Confidential Appendix 4 – The report of the independent investigation into corporate management actions, organisational systems and environment. *Please note that this is a confidential appendix to the accompanying Part B report and is exempt from publication.*

BACKGROUND DOCUMENTS: Appendices 1-3 of this report.

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Terms of reference for an initial and independent investigation into corporate management actions, organisational systems and environment in response to the Report in the Public Interest

1. The Extraordinary Council Meeting of 19th November 2020 noted that the Local Government Association (LGA) had been asked to support the Council by facilitating an initial and independent investigation of corporate management actions, organisational systems and environment in response to the Report in the Public Interest. This initial investigation was commissioned by the interim chief executive and will report to her in the first instance.
2. The investigation will be conducted by Richard Penn, a Senior Associate with the LGA and a very experienced ex-local authority chief executive and investigator. Richard's details are attached at the end of these terms of reference.
3. The costs of the investigation will be met from funding provided to the Council by the LGA.
4. A number of independent critical reports into the London Borough of Croydon, have recently been published: a Report in the Public Interest, the Strategic review of council companies and other entities and a section 114 notice. These describe what has occurred over the past three years and provide context and detail about the situation the Council is facing and the serious financial position it faces.
5. The Council is producing the Croydon Renewal Improvement Plan to tackle this. It is incorporating the recommendations from these reports and others into that Plan. The Council will be held to account for the delivery of the Improvement Plan by both elected Croydon councillors and an independently chaired Improvement Board reporting to MHCLG. The Improvement Plan will also guide the efficient and effective use of the capitalisation loan sought from MHCLG. In order for this Improvement Plan to be successfully implemented, much more needs to be understood as to how and why the council has arrived in this situation and not simply what has happened.
6. This investigation and its report will result in two important outcomes. The first will be to form the understanding of how and why the Council has arrived in this situation, and the second is to demonstrate the seriousness of the Council's intent to establish a new organisational culture that has learning and accountability at its heart.
7. This initial investigation will comprise a desk top review of relevant council documents and a series of interviews.

8. The investigator will interview elected members, chief officers, trade union representatives and other staff across the Council as well as relevant external partners. Previous chief officers will also be invited to be interviewed. All council staff and councillors will be offered an opportunity through a secure email address direct to Richard Penn to offer any relevant information. Further additional interviews will be offered at the investigator's discretion. The investigation meetings will be held via teams.
9. The notes of the meeting will be produced by Richard Penn who will provide a draft copy to the interviewee who can amend and clarify comments as recorded. These will then be assimilated by Richard Penn who will present a new copy for signature as the formal and final record of that meeting.
10. The report will not identify individuals either by name or job title in its commentary or recommendations.
11. The initial independent investigation commenced on the 23rd November 2020 and aims to conclude by the end of December 2020.
12. The report will be presented to the council.
13. If relevant, the interim chief executive will consider if any other formal proceedings are required to be commenced following receipt of the report.

Richard Penn Profile

Summary

I have spent my career in the wider public sector, mainly in local government, with a track record of considerable success. I have demonstrable experience of the successful delivery of change management, organisational development and performance management in a range of public sector organisations and have extensive experience of working with people at all levels both in leadership roles and as a team member. I am an organisational leader with the flexibility and experience to apply my expertise and experience in a variety of contexts, including advisory and review roles, and I also have excellent communication and interpersonal skills.

Relevant experience

I have forty years experience of strategic and high level management in the public sector - in County Councils and Metropolitan District Councils including 10 years as Chief Executive of Bradford City Council (the fourth largest metropolitan authority in England). I have nineteen years experience in total as a local authority Chief Executive. I was the Commissioner for Standards for the National Assembly for Wales from 2000 to 2010 and in January 2008 I was appointed by the Minister for Local Government as the Chair of the Independent Remuneration Panel for Wales, a post I held until the end of 2015. In 2002 I completed a five-year term as a Commissioner with the Equal Opportunities Commission and I also was a Commissioner with the Legal Services Commission from 2000 to 2003. From 2001 to 2007 I was Chair of the South Wales Probation Board. I currently undertake consultancy assignments for public sector organisations on my own account, for the Local Government Association, Regional Employer organisations and for SOLACE Enterprises.

Since leaving Bradford City Council at the end of 1998 I have undertaken a wide range of high-profile assignments including a large number (150 plus) of disciplinary investigations in various public sector organisations (including acting as a Designated Independent Person (DIP) on a number of occasions) and as Commissioner for Standards for the National Assembly for Wales from 2000 to 2010. Most of my investigatory work in local government has been conducted wearing an LGA or Regional Employers 'hat' and has been almost exclusively related to disciplinary matters involving Statutory Officers (HOPS, MOs and S151 Officers), Directors and Heads of Service. I have also been the independent investigator in a number of elected member conduct standards cases, most recently for the London Borough of Brent last year and the London Borough of Merton and Douglas (IOM) Council last year. I have also carried out a number of major investigations in respect of public sector organisations including recently a review of the failings of the Crematorium Service at Aberdeen City Council and a review of the LB Sutton ALMO. I have been supporting a number of local authorities including Midlothian Council, South Ribble BC, LB Lewisham and LB Islington over recent months with disciplinary matters in respect of their statutory officers.

I have also been involved in a wide range of job evaluation work including acting as a 'party expert' in a number of Equal Value Employment Tribunal cases in both the public and private sectors.

Specialist skills:

Disciplinary investigations

Standards of conduct

Strategic management

Change management / management of improvement

Performance management and appraisal

Job evaluation/Equal Value issues

General management (including restructuring)

Introductory text read at the outset of each interview

'My role is as an LGA Senior Associate commissioned by the Council to conduct an independent initial investigation of senior management actions in respect of the findings of the Report in the Public Interest by the external auditors to help the Council to assess what, if any, formal action is required to be taken under any relevant process.

I will be taking a note of the key points that emerge from our discussion today and will let you have a draft note for comment and, if appropriate, correction. I will then produce a final version of the note which will then be an agreed record of our discussion. The agreed record may be used in any subsequent process.

The Council has confirmed that my report will be in the public domain so any relevant views or comments expressed by you may be included in my report and attributable to you. If you would prefer any views or comments to be anonymous I will endeavour to ensure that is the case but it may be impossible to effectively mask the source of any such views or comments.'

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