

CONFIDENTIAL

Seaford Town Council

Report of the Locum Clerk to Seaford Town Council

28th January 2020

Subject: Assessment of Process and Findings of Investigatory Report into Conduct

1. Context and Background:

1.1 I was requested by Seaford Town Council at their extraordinary meeting held on 13 November 2019 to provide independent external advice on this matter and the issues surrounding it. In this report, I will attempt to summarise the issues arising from the Council meeting held on 15 August 2019, which led to an investigation into the conduct of the [REDACTED]. I will then move on to making suggestions and recommendations for the future, based on the issues that have arisen.

1.2 I must be clear from the outset that this report does highlight some significant flaws in this matter but that the primary intent is to ensure that the Council understands where things went wrong and why in order to learn for the future, rather than to seek to apportion blame as a priority. I am grateful for the trust shown in me by the [REDACTED] and members of Seaford Town Council in looking into and advising on this difficult matter.

1.3 At the full Council meeting on 15 August 2019, a large number of members of the public were present, mostly with the intent of observing a debate in respect of the Seaford Health Hub issue. Due to many of those present not being able to be accommodated in the public gallery, there was significant levels of disquiet in the public foyer and angry exchanges involving various members of the public and members and officers of the Council.

1.4 Subsequently, the [REDACTED] received 4 letters of complaint from members of the public, partly in respect of the conduct of the [REDACTED], but also critical of other individuals and/or the Council as a whole. At this point, the [REDACTED] was also in possession of other complaint letters referring to separate matters, and in addition, a grievance had also been submitted by the [REDACTED].

1.5 Following the receipt of these letters, the [REDACTED] sought external advice from the [REDACTED] of the Surrey and Sussex Association of Local Councils (SSALC). Following the advice offered, it was considered that an investigation into the conduct

of the [REDACTED] should be undertaken and, on the recommendation of SSALC, the company Human Resources Services Partnership (HRSP) was engaged to conduct the investigation. The decision to engage HRSP was formalised at an extraordinary meeting of the Personnel Committee on 13 September 2019

1.6 Subsequently, issues were raised with regard to the governance advice from SSALC, the commissioning of HRSP, the payments to HRSP, and their release of the investigatory report. This led to the holding of an extraordinary meeting of the Council on 13 November 2019 where the following two key decisions were made:

- Approval given in principle for part payment of the invoice for works done by HRSP, subject to receipt and scrutiny of an itemised invoice and being guaranteed receipt of the investigatory report to the Mayor, and that it be delegated to the Finance Manager to receive, scrutinise and approve such payment in liaison with the Locum Clerk and Town Council policies
- That following receipt of the investigatory report from HRSP, the Council pause the process in order to obtain legal advice on the best way forward having regard to the process followed so far

1.7 Since that meeting, I have been working to resolve these issues with the Mayor and others and the content of this report represents the outcome of that work. I will go through each of the elements in turn and make recommendations as appropriate. Last but absolutely not least, I will convey some observations around general conduct issues, which I think have been key in allowing this matter to escalate.

2. The August Council Meeting

2.1 At this meeting there was an agenda item relating to the setting up of a working party to investigate potential alternative site options for a Seaford Health Hub. This generated a large public attendance, which was not anticipated and could not be fully accommodated in the meeting. The lack of anticipation was due to the fact that there was to be no debate on the merits of the Seaford Health Hub on the current proposed site (a contentious local issue). It was merely to set up a member working party to investigate other potential sites.

2.2 It has been suggested that some of the public had been misled by local activists into believing that there was going to be a more substantial debate at this meeting. I believe that this is highly likely and, indeed, this would seem to have been confirmed by some of the public present. Some have alluded to objecting to the proposed appointment of the [REDACTED] onto the working party as he had previously fettered his position in favour of the current proposal. I have looked into this and find there to be no evidence to support any such allegation. The [REDACTED] has

publicly stated his commitment to the provision of a health hub for the Seaford Community but has not committed his position to any particular location.

2.3 Clearly, attempts to manage the situation at this meeting were not wholly successful, hence the subsequent complaints. However, it appears that the 'conflict' involved a relatively small proportion of those present who refused to leave. The reality of the situation was that the Council was only going to be considering a procedural governance matter so I believe that, in principle, the decision to proceed with the meeting notwithstanding public accommodation issues was appropriate. Issues around securing the premises would seem to be normal practice.

2.4 Having supported the decision to proceed with the meeting in principle, the fact is that it has been the cause of all that followed and sometimes it is necessary to deviate from the logical in order to react to a particularly tense situation. The Council had two other potential options in these circumstances. It could have either;

- A. Deferred the item and dealt with it at a newly created special meeting at a larger venue in the following week allowing for the statutory notice period;
OR
- B. Conducted all other business then adjourn the meeting until the following evening at a larger venue.

2.5 I understand that, in this case, there were time pressures in making the necessary decision to enable the proposed working party to conduct its work, thus deferral or adjournment may not have been an option. However, my general point stands that, in such circumstances it would be prudent to openly consider such options to diffuse a difficult situation. Naturally, in such circumstances, it would be for the Town Clerk to advise the Mayor, and for the Mayor to put those options to the Council.

Recommendation for Consideration

That, in the event that a larger number of people than that which can be accommodated are present for a single item, it must be put to the Council as a matter of procedure that they decide on whether to proceed with the item or adjourn or defer the matter for subsequent debate at a larger venue.

3. Handling of Complaints

3.1 The August Council meeting generated 4 specific letters of complaint. These were subsequently referred by the [REDACTED] to HRSP as part of a formal investigation together with 2 other letters of complaint on unrelated matters, and an internal grievance matter. Clearly, the two unrelated complaints should have been dealt with separately and the grievance should have been referred to the appropriate internal

procedural process. A further issue was that none of the letters of complaint had been acknowledged within the prescribed period.

3.2 I have some sympathy with the [REDACTED] actions in this matter. As all the correspondence related in part to the conduct of the [REDACTED], referring the correspondence 'en bloc' for investigation may have appeared logical. In saying that, I am conscious of the fact that advice was offered by other Members and Officers at various points in the process. I am also concerned that discussion between the [REDACTED] and the [REDACTED] as required by the Council's complaints procedure did not occur before this referral action was deemed necessary.

3.3 Notwithstanding the above issues, the subsequent investigation into the conduct of the [REDACTED] by HRSP only took into account the 4 letters specific to the August Council meeting and the internal Grievance was correctly considered and determined by the Grievance/Disciplinary Sub-Committee. Further, I have since corresponded individually with the authors of all 6 complaint letters, informing them of my views and the overall outcomes of these matters. In addition, the [REDACTED] has personally written to all 4 complainants in respect of the August Council meeting stating [REDACTED] apologies for [REDACTED] part in that matter.

3.4 Where complaints may result in subsequent disciplinary proceedings, there are established procedural rules in place to ensure fairness and due process. Where this involves any other member of staff, such considerations are the responsibility of empowered professional officers. However, in the case of the [REDACTED], there is much responsibility placed on the [REDACTED] and other elected members. With all due respect, this will naturally involve Members who are not particularly qualified in such matters and this makes the availability of sound and proper advice crucial to following correct due process. Regrettably, in this case, conflicting advice combined with a less than explicit procedure are apparent.

Recommendation for Consideration

That, in respect of complaints against the Town Clerk, a more explicit procedure be written and adopted, having regard to the potential for such matters to develop into disciplinary matters and to ensure the principles of due process and natural justice are adhered to.

4. The Advice from SSALC

4.1 As part of my investigation into this matter, I discussed my various issues of concern with [REDACTED], the [REDACTED] of SSALC. [REDACTED] recalls advising the [REDACTED] in a telephone conversation with regard to the procedure to follow in this matter. However, at that point in time, [REDACTED] had not seen the actual content of the complaints. Had [REDACTED] done so, [REDACTED] has since confirmed to me that [REDACTED] would have considered this matter to fall considerably short of serious/gross misconduct and

thus [redacted] advice would have been different. [redacted] fully acknowledges that, as a learning point on [redacted] part, it was important not to offer definitive advice without more clearly establishing the details of the issue at hand.

4.2 In addition, SSALC provided advice on the appropriate governance process to follow into authorising an external investigation. However, in suggesting the due process of obtaining a resolution of the Personnel Committee, [redacted] stated that SSALC was unaware that the Council also had a standing Grievance/Disciplinary Sub Committee and, again, had he been aware of that committee and its remit, it is to that body that he would have directed the [redacted] for such authorisation.

4.3 I am grateful for [redacted] candor in this matter. It is my view that it is implicit in the Council's terms of reference that the commissioning of an investigation into this matter should have been considered, at the outset, by the Grievance/Disciplinary Sub Committee. Whilst an investigation of the type carried out is not a disciplinary proceeding in itself, it is an inherent part of the disciplinary process and should be commissioned by the body that has that area of responsibility. Commissioning an investigation in no way fetters that body from considering its findings and deciding whether to subsequently proceed with formal disciplinary action. I am aware that HRSP provided counter advice to this view but, with respect, it is illustrative of the fact that HRSP specialise in human resources matters and are not constitutional governance experts. Indeed, [redacted] confirmed that HRSP are not qualified or retained by SSALC to give constitutional governance advice.

Recommendation for Consideration

That, with regard to the more explicit procedure recommended above, there should be an associated more explicitly stated roles and responsibilities of the Grievance/Disciplinary Sub Committee.

5. The Procurement of HRSP

5.1 Following advice from SSALC, an extraordinary meeting of the Personnel Committee was set up to authorise the engagement of HRSP to conduct a formal investigation into the conduct of the [redacted]. The circumstances around the calling of this committee was a matter of concern for the following reasons:

- It is clear within the constitutional terms of reference of the Council that disciplinary matters fall within the remit of the Grievance/Disciplinary Sub-Committee, not the Personnel Committee.
- The calling of the extraordinary meeting of the Personnel Committee, in the context of serving public notice, failed to comply with the minimum-3-day publication rule which is an unequivocal requirement of the underpinning legislation (Local Government Act 1972, Schedule 12, Para 10.2). It is

understandable that Members considered the matter was urgent however, under process challenge, it is clear that a short delay would not have resulted in any material effect in respect of the decisions being made.

- Council officers were advised that they were not required at this meeting and no alternative external officer support was sourced. Instead, the Members chose to self-manage the meeting. This meant the committee lacked a suitably authorised and non-political officer to advise the meeting and produce the official record of decisions taken.
- There was an officer of the Council (albeit at that time on leave and present as a member of the public) in attendance at the start of the meeting who, I understand, attempted to provide constitutional advice which was apparently not taken.
- The only other non-member present was an officer of HRSP who advised the committee directly on matters relating to the committee's decision to engage the services of his company, thus raising conflict of interest issues.

5.2 Suffice to say, I can only conclude that the validity of this committee is, for the above reasons, vulnerable to challenge. I do not question anyone's integrity in this matter, but I do feel that Members were in receipt of misleading and/or conflicting advice which was not helpful in trying to navigate a difficult situation. Further, I am aware that these kind of issues are covered quite thoroughly in the training and induction programme for new councillors.

5.3 Constitutional issues relating to this meeting were subsequently challenged by Councillor [REDACTED]. As a result, Councillor [REDACTED], who acted as secretary to that committee meeting, chose to seek constitutional clarification advice from HRSP. The latter produced a dedicated separate report for Councillor [REDACTED] which was presented at the extraordinary meeting of the Council on 13 November 2019.

Recommendations for Consideration

- 1. That, paragraph 3C of the Council's constitution should be amended to delete the words "unless convened at shorter notice" as there is no such latitude in the legislation.**
- 2. That all formal meetings of the Council and its committees must be administered by an appropriate Council officer or, where that is not deemed appropriate, from an officer sourced from another local authority or authorised local government body.**
- 3. That it be re-affirmed, in no circumstances must elected members undertake individual decision making activities or incur Council expenditure on behalf of the Council or its committees.**

4. That the constitutional circumstances in relation to the Extraordinary meeting of the Personnel Committee held on 13 September 2019 be acknowledged and noted with regret.

6. Payment of Invoices

6.1 At the Council meeting on 13 November 2019, it was reported that HRSP were withholding their investigatory report pending payment of their invoices. Certain invoices had been challenged by the Council as a result of various issues of concern including, late submission of invoices, lack of itemised work details, and advance billing of a large amount of banked hours.

6.2 It transpires that HRSP had been sending their invoices directly to the [REDACTED] only and had not sent them to the Council's finance officers. This caused significant delays and confusion. This resulted in HRSP threatening to withhold their report. I find this to be extraordinary behaviour for a professional organisation. Subsequently, we were able to obtain an itemised invoice from HRSP via the [REDACTED] and settle the legitimate payments. In doing so, I can assure the Council that only work undertaken has been paid for and, although payment for future banked hours was indeed initially being sought by HRSP and incorporated into the invoice, this was not paid.

6.3 As a result of the above, the total amount paid by Seaford Town Council to HRSP has been £5781.68. I do have to note that this does also include a sum of approximately £225 specifically billed for the supplementary advice and report provided to Councillor [REDACTED] referred to in paragraph 5.3 above. I have raised this matter with Councillor [REDACTED] who has explained that, as an inexperienced new Member being challenged on constitutional technicalities, [REDACTED] felt [REDACTED] needed to seek independent advice. [REDACTED] did not anticipate or expect that HRSP would bill the Council for the advice they provided [REDACTED].

Recommendation for Consideration

- 1. That, it is imperative that all payments must be made in accordance with financial procedure rules and in accordance with Council/committee decisions and/or appropriately delegated officers.**
- 2. That a designated Responsible Financial Officer should always be in post and that this should be separate and distinct from the Town Clerk post and should either be a specified post, or be 'de facto' within the role of the most senior financial officer employed by the Council at the time.**

7. The Investigatory Report

7.1 Following the settlement of payment, the investigatory report was eventually released by HRSP to the [REDACTED] who promptly sent me a copy for analysis. The report specifically focuses on the events surrounding the 15 August Council meeting

and draws exclusively on the content of the 4 letters of complaint from members of the public. The report seeks to draw conclusions based on the content of these letters, an interview with the [REDACTED] and a briefer discussion with the [REDACTED].

7.2 I did convey significant concerns to [REDACTED], the [REDACTED] of HRSP, in respect of the quality/thoroughness of this report, together with other concerns already referred to above, eg: invoice submissions, unauthorised work undertaken, etc. However, specific to the content of the investigatory report, my primary concerns were in two key areas in particular as follows:

- No attempt was made to contact any of the complainants (or indeed elected members) to obtain the clearest and broadest possible view of events in order to arrive at the soundest possible conclusions. Consequently, the report indicates that there is a lack of conclusive evidence and yet concludes with firm recommendations to the Council to proceed with formal disciplinary action. I find this quite extraordinary. HRSP state that they deemed it unlikely that conclusive evidence could have been obtained through further investigation and that their recommendations were based on the balance of probability with the information available. Whilst I accept the context of probability balance in principle, my view is that the report falls well short of the thoroughness of investigation required in order to reach its conclusions and justify the recommendations, given that this matter could have the most serious of ramifications for all concerned.
- The key evidence documents, specifically the appended 4 letters of complaint, were edited in such a way as to make it impossible for the reader to be aware of said editing. HRSP confirmed that the content of all the letters not directly relevant to the conduct of the [REDACTED] had been deleted. Had this been done transparently, such as with an explanatory note or showing visible redactions, this would be a different matter. However, to 'covertly' edit public correspondence used as evidence misleads the reader into thinking that what they are reading is the entire content of the letter. This, in turn, gives the impression that all correspondence under consideration was 100% complaining about the conduct of the [REDACTED] when, in fact, there was significant commentary in the full letters relating to the council as a whole, individual members, the constraints of the venue, etc, and, therefore, provides much contextual proportionality to the matter. I consider this a very serious matter and can honestly say in my entire career that I have never seen evidence treated in such a manner as this.

7.3 On examining the content of the report and having serious concerns in respect of its conclusions relative to that content, I consulted with the [REDACTED] and the [REDACTED] and it was agreed by all 3 of us that no further action was justified or would be taken on this investigation. I am grateful to Councillors [REDACTED] and [REDACTED] for their consideration and judgement in this matter. This was resolved in early December and, at that time, I corresponded

appropriately with the [REDACTED], all Members, all complainants, and HRSP. With regard to the latter, I have exchanged multiple correspondence HRSP but it is clear that the [REDACTED] remains largely defensive and does not wish to discuss my concerns on behalf of the Council any further.

Recommendation for Consideration:

That the Council write formally to SSALC (who retain the services of HRSP for supporting councils in such matters and advised their appointment), expressing strong concern with regard to how HRSP have performed in respect of all the matters highlighted in the various sections of this report.

8. Conduct Issues

8.1 Throughout the course of this investigation, it has become clear to me that there are significant issues at Seaford Town Council in respect of conduct and it would be remiss of me not to draw attention to those concerns here. The first area of concern is with regard to the respective responsibilities of the Members and the Town Clerk. There appears to be some disquiet and disagreement involving certain members. To resolve this, it is important that everyone understands and accepts the following conventions and latitudes in local government and the distinction between strategic and operational matters, and the respective roles of Members and Officers:

- In making important high level strategic decisions, it is the duty of the Town Clerk to be receptive to the objectives of the Council and to provide professional advice on all matters. It is then the duty of Members of the Council to demonstrably respect such advice when considering the matter and, though not bound by such advice, if taking an alternative decision, it must be in their judgement for the best of the community and must be lawful. Once such a decision is made, it is the duty of the Town Clerk to ensure that the outcome decided by the Council is implemented.
- In managing the day-to-day operations of the authority and the delivery of its services, the Town Clerk must be fully empowered. If Members have concerns about any operational matter, this should be taken up with the Town Clerk, and both parties should be expected to be reasonable and objective in resolving any issues of concern.
- It is for the Council as a collective, not individual Members, to determine the delegated powers and responsibilities of the Town Clerk and, equally, it is for the Town Clerk to determine whether such powers can be sub-delegated, wholly or in part, to other officers. Council can review delegated powers to Officers at any time but individual Members should never seek to undermine or pressure Officers who are acting within agreed delegated responsibilities.

- In making major decisions and empowering the Town Clerk to implement them, it is also an option available to the Council to assign individual members or a working party for the Town Clerk to liaise with. I note that a Chairman's Group exists for informal dialogue between Members and the Town Clerk but taking this a stage further by assigning specific portfolios of interest to individual Members could be considered. However, again by law, the decision making power is still delegated to the Officer.

8.2 A particular issue, relevant to this investigation, that I should address is the report commissioned by the [REDACTED] from Sandra Prail Ltd on governance matters, and reported to the November Council meeting. Normally, I would consider unequivocally that the [REDACTED] should not have been involved in taking such an action given [REDACTED] vested interest in the matter. However, in this case, there are several mitigations. Firstly, as no decision had been made to suspend the [REDACTED] during this period, [REDACTED] was still in post as [REDACTED] for the constitution. As there was no 'de facto' [REDACTED] in post at the time, and as [REDACTED] felt that Members were at risk of breaching constitutional rules and that officer advice was not being accepted, [REDACTED] may have felt that rather than directly intervening, there was no other option but to seek external expertise in this field. I am aware that the [REDACTED] initially approached Lewes District Council's monitoring officer for advice and it was the latter who recommended engaging Sandra Prail Ltd. I do think it is quite understandable that, officers generally were concerned about due constitutional process not being followed in these circumstances.

8.3 Another area of concern which I have identified in the specific case that I have been investigating is the apparent close personal affiliation between some individual Members of the Council and members of the public and/or pressure groups. Whilst this is probably unavoidable to a certain extent in a close-knit community. It is important that Members are not seen to be overtly acting against the Council, or are demonstrably fettered in any particular matter. It is always open to Members to declare personal/prejudicial interests where they feel they are too closely aligned to an issue and this should be the option exercised in such situations. I was particularly concerned that there was some content in complaint correspondence that was personal to the [REDACTED] employment arrangements and that could only reasonably have been provided by an 'internal' source. Any type of covert personal agenda driven activity by any individual representing the Council (Member or Officer) must be avoided if the Council is to operate effectively.

8.4 Standards of behaviour also extend to members of the public. Having seen the tone of correspondence from certain individuals, it is clear that there is an inherent aggression from some local activists towards either the Council as a whole, or individuals and some of that aggression was clearly evident in the unfortunate events at the 15 August Council meeting. Whilst it is important for members of the public to

be engaged and involved, it is also the case that poor, provocative or vexatious behaviour from any individual, whether that be an elected Member, Officer or member of the public, should not be tolerated.

8.5 Lastly, I need to make some observations about internal conduct issues. When I attended the extraordinary meeting of the Council on 13 November, I was alarmed at the lack of respect shown by Members to each other and, in particular, towards the Chair. I fully understand the degree of tension this matter has caused. However, positive culture is established by the examples of those that lead and if Members, and indeed Officers, wish to develop a culture of respect and co-operation with the wider community, they must lead by example. Thus, it is worth reinforcing the following:

- At all Council and Committee meetings, the role and responsibility of the Chair should be respected at all times. The Chair should not be interrupted, and all debate should go through the Chair.
- When Members are called to speak by the Chair, other Members should always be respectful and await their turn. On no account should a speaker be interrupted (unless it is to impart a genuine point of order/clarification).
- Members must refrain from making personal accusations, derogatory remarks, etc towards others at the meeting or, indeed, anyone else generally.
- It is the duty of lead Officers to provide and/or offer constructive advice to the Chair on procedural detail and, in matters of controversy, procedural options, regardless of whether they have been asked to do so.
- It is the duty of Officers to remain professional, respectful and impartial at all times and, equally, it is the duty of Members to treat Officers with respect.
- Fundamentally, it is imperative that a mutually constructive and professional relationship between the Town Clerk and the Mayor and wider Council is established and maintained at all times. Without this, it is extremely difficult for the Council to operate effectively. It is the duty of the Town Clerk to ensure that an incoming Mayor and new Councillors are provided with the necessary level of support and guidance and for the Mayor and Members to be receptive to that. Frank discussion on areas of disagreement will sometimes occur but should always be civilised and not be allowed to mar the overall relationship.

8.6 The Council's Code of Conduct (which is the adopted Lewes District Council code) is fit for purpose and I would strongly encourage members to re-familiarise themselves with its content. In the course of this investigation, I consider that there

may have been various individual breaches of the code, in particular with respect to General Obligations paragraphs 1 (showing respect), 2 (bullying and harassment), 5 (bringing the authority into disrepute), 6b (improper use of the Authority's resources), and 7 (failing to heed advice of the proper officer). It is vital that all Members take this matter seriously and commit to drawing a line and moving forward in a more constructive manner.

9. Summary

9.1 Some of the issues that have occurred from the matter under investigation in this report have probably arisen through genuine misunderstanding and/or the receipt of poor or inconsistent advice. However, and I do feel that there is some evidence of this, it is also important to guard against emotionally driven agendas as this is what leads to poor judgement and procedural breakdowns. Members are elected to represent the interests of the community as a whole and act in a manner expected of those holding public office. Officers are employed to professionally advise and carry out the decisions made by Members through properly constituted process. I sense a great deal of passion and commitment among those serving Seaford Town Council and this is admirable as long as it is tempered with reasonableness and efficient, productive leadership. It is my sincere hope that the circumstances around the events addressed in this report has not irreparably damaged mutual trust and confidence between key individuals and that the Council can move forward positively.

Peter Finnis, Locum Clerk
28th January 2020

Appendix 1

Summary of all Recommendations

1	That it be written into part 3 of standing orders that, in the event that a larger number of people than that which can be accommodated are present for a single item, it must be decided by the Council on whether to proceed with the item or adjourn or defer the matter for subsequent debate at a larger venue.
2	That, in respect of complaints and potential disciplinary action against the Town Clerk, the process set out in appendix 2 be adopted, to ensure the principles of due process and natural justice are adhered to.
3	That, in the scheme of delegation, an additional paragraph 2.7.3 in respect of the Grievance/Disciplinary Sub Committee be as follows; " Consider and deal with all potential disciplinary matters relating to the Town Clerk including the commissioning of external advisors and/or investigation in accordance with the provisions of the Council's complaints and disciplinary procedures."
4	That the words "unless convened at shorter notice" in paragraph 3C of standing orders should be deleted.
5	That it be written into part 3 of standing orders that; "All formal meetings of the Council and its committees must be administered by an appropriate Council officer or, where that is not deemed appropriate, from an officer sourced from another local authority or authorised local government body."
6	That, in no circumstances must elected members undertake individual decision making activities or incur Council expenditure on behalf of the Council or its committees. This is in accordance with part 25 of standing orders, and part 10.4 of financial regulations.
7	That the constitutional issues in respect of the extraordinary meeting of the Personnel Committee held on 13 September 2019 be acknowledged and noted with regret.
8	That, all payments must be made in accordance with financial procedure rules and in accordance with Council/committee decisions and/or by appropriately delegated officers.
9	That a Responsible Financial Officer should always be in post and that this should be separate and distinct from the Town Clerk post. This could be a dedicated post or, should 'de facto' be permanently or temporarily within the role of the most senior financial officer employed by the Council at the time.
10	That a 'de facto' Assistant or Deputy Town Clerk should always be in post, appointed by the Town Clerk, and fully empowered with the latter's delegated powers in their absence.
11	That the Council write formally to SSALC (who retain the services of HRSP for supporting councils in such matters and advised their appointment), expressing strong concern with regard to the conduct and performance of HRSP.

Appendix 2

Recommended Process for Handling Complaints and Disciplinary Action against the Town Clerk

The following process should be read in conjunction with the Council's Complaints and Disciplinary procedures and the Grievance policy. It is intended to be a default process of good practice but may need to be varied according to special circumstances.

1. All complaints or reported incidents of alleged misconduct against the Town Clerk (from whatever source) should be submitted to the Mayor (or, in the absence of the Mayor, to the Deputy Mayor).

NOTE: If the matter is a grievance submitted by a member of staff, it should be submitted to the Chair of the Grievance/Disciplinary Sub Committee and dealt with via the Council's Grievance procedure.

2. In the case of potential serious misconduct, the Mayor is able to obtain initial advice from a designated HR Advisor or, alternatively, via the monitoring officer of the parent council, but must ensure that the facts of the matter are fully understood by the person whose advice is being sought.

3. In the case of all matters of complaint, the first stage must be for the Mayor to meet with the Town Clerk with a view to resolving the matter informally as required by Council procedures.

4. In the event of the matter being unresolvable under 3 above or as a result of advice received under 2 above, the Mayor will raise the matter with the Chair of the Grievance/Disciplinary Sub Committee who will call a meeting to determine what investigatory action (if any) should be taken. This meeting should be attended and advised by an independent external person as per 2 above or another suitable appointment such as a chief officer of a neighbouring authority.

5. The Grievance/Disciplinary Sub-Committee can decide that no further action be taken or can authorise the commissioning of an external investigation into the matter, including the scope and cost of the investigation. If the latter, the Sub-Committee would also be expected to take into account current ACAS guidance and consider whether temporary suspension from duty of the Town Clerk pending the outcome of an investigation would be appropriate.

6. Once the investigation is concluded, the Grievance/Disciplinary Sub Committee will convene to review its content and findings and determine whether to take further action. If the decision is to proceed with formal disciplinary action, the Sub

Committee can source appropriate external HR support, but this cannot be the same resource that conducted the investigation.

7. Any sanction agreed as a result of the disciplinary hearing can be approved and applied by the Grievance/Disciplinary Sub-Committee unless the recommended outcome is dismissal in which case a meeting of the full Council would be convened to make the final decision.

8. Any decision made by either the Sub Committee or the full Council is subject to an appeal in accordance with the Council's Disciplinary procedure.

