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| **Consultation Response Form -** Consultation on the review of the arrangements for dealing with alleged misconduct of senior officers in local authorities (Oldham Review)**Name:** **Email:****Telephone number:****Your address:****Your postcode:****Organisation (if applicable):****Question 1:** It is clear that “disciplinary action” should be used for issues of misconduct only. The regulations should only be concerned with the conduct of senior officers. Performance issues should be dealt with locally as agreed by performance related policies. Do you agree or disagree?

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**Question 2:** Welsh Government believes local government should develop good practise guidance on performance management for senior officers. This would help reduce the confusion about what disciplinary action, using these regulations, can be used for. Welsh Ministers would welcome your views on whether further clarity would be helpful in the regulations and their supporting documentation as to the circumstances in which they apply and if so, any suggested wording that could be considered.

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**Question 3:** The DIP recommended sanction should be followed – Do you agree or disagree?. If you disagreed it would be helpful for you to provide supporting information to your response.

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**Question 4:** Should a non-legally qualified person be appointed in some cases – yes/no. If ‘yes’ should they have access to independent legal advice?

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**Question 5:** Should the regulations be amended to enable the Investigating Committee to decide whether a legally qualified or non-legally qualified DIP be appointed in their preliminary stage of investigation. Do you agree or disagree? Please explain your response.

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**Question 6:** Should the regulations be amended so that the DIP appointment, regardless of being legally qualified or not, be appointed on a “taxi rank basis” to ensure fairness and openness in the process. Do you agree or disagree? Please explain your response.

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**Question 7:** The role of the Investigating Committee (IC) is to establish whether there is a case to answer and, if there is a case does it warrant further investigation. The role of the IC is not to investigate the case in more depth. Do you agree or disagree? Please explain your response.

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**Question 8**: Do you agree or disagree that work undertaken by the investigation committee should be shared with the DIP to avoid duplication of effort? Please explain your response.

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**Question 9:** Should the regulations and/or supporting documentation ensure the DIP has specific powers to take such steps as they think appropriate to keep the investigation progressing efficiently in the event of failure to comply with a timetable? Please explain your response.

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**Question 10:** The investigation should not be delayed indefinitely. There is a suggestion that if the process has been delayed for a length of time because the person being investigated has not replied or appears to be stalling the process the DIP should be able to continue with the hearing in the absence of the person being investigated. Do you agree or disagree?

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**Question 11:** If representation is made by external investigations to halt the DIP process then this should be considered. Representations from the individual being investigated should also be considered. However, the DIP should have an opportunity to ask for the decision on deferring the process to be reviewed on a timescale which should be considered for each individual case. The rationale for not continuing should be documented whatever decision is reached. Do you agree or disagree?

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**Question 12** – In terms of the interaction between standing orders and contractual terms and conditionsdo you support a review of the model constitution?

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**Question 13**: We would like to know your views on the effects that consulting on the review of the arrangements for dealing with alleged misconduct of senior officers in local authorities (Oldham Review) would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be?  Could positive effects be increased, or negative effects be mitigated?

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**Question 14**: Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

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**Question 15**: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space below to report them:

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| Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here:

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