

## **Roles and Responsibilities in relation to Senior Management Disciplinary, Grievance and Redundancy Procedures**

### **1. Context**

- 1.1 This document outlines the roles and responsibilities when dealing with disciplinary, grievance and redundancy matters relating to senior managers who are accountable to the Board. The procedures relating to these matters are set out in the company's and should be read in conjunction with this document.
- 1.2 For [company] Ltd, the positions are:
  - the Managing Director
  - [other senior managers]collectively referred to as 'senior managers' in certain sections below.
- 1.3 It also covers any allegations submitted through the company's Whistleblowing policy.
- 1.4 The roles are varied slightly as the Managing Director is accountable to the Board and Executive Directors are accountable to the Managing Director and to the Board. These variations are identified below.
- 1.5 Where a role is referenced in this document and where a conflict of interest occurs or where a person is unavailable, an alternative representative will be sought as appropriate.
- 1.6 In terms of dealing with capability issues, appropriate advice would be sought from the Company Secretary on roles/responsibilities, who will consult with the Chair of the Employment Committee.

### **2. Receipt of allegations/complaints and investigations**

#### In relation to Executive Directors:

- 2.1 If the allegation or grievance complaint is in connection with an Executive Director, then this should be submitted to the Managing Director who will then liaise with the Council's Head of HR (in their role as adviser to the Board), regarding its validity in connection with company policy and procedures.
- 2.2 If accepted, the Company Secretary will liaise with the Chair of the Employment Committee and the Council's Head of HR to agree a comprehensive and independent investigation process.
- 2.3 The Managing Director (in consultation with the Council's Head of HR) may, if appropriate, enact a suspension of a senior manager and appoint an investigating officer who will be external to the company. The MD can also review and end suspension at any point (in consultation with the Head of HR).

In relation to the Managing Director:

2.4 If a allegation or grievance complaint is submitted relating to the Managing Director, this should be submitted to the Chair of the Board who will then liaise with the Council's Head of HR (in their role as adviser to the Board), regarding its validity in connection with the approved disciplinary and grievance policy and procedures.

2.5 If accepted, the Company Secretary will liaise with the Chair of the Board and the Council's Head of HR to agree a comprehensive and independent investigation process.

2.6 The Chair of the Board (in consultation with the Council's Head of HR) may, if appropriate, enact a suspension of a senior manager and appoint an investigating officer who will be external to the company. The Chair can also review and end suspension at any point (in consultation with the Head of HR).

2.7 Appendix 1 contains a matrix that sets out the responsibilities detailed below.

**3. Stage 1 – Determination Panel**

3.1 On receipt of an investigation report, the Stage 1 Panel will be convened and will as a minimum consist of:

- If in relation to an Executive Director: the Managing Director and Chair of the Employment Committee
- If in relation to the Managing Director: the Chair of the Board and a shareholder (officer) representative

3.2 The HR Adviser to the Panel will be a representative from the Council's HR service.

3.3 The outcome of the Stage 1 Panel will then be communicated to the Senior Manager subject to investigation. Should the Managing Director or Senior Manager wish to appeal this decision then they will have five working days to do so following written notification of the decision from the Panel.

3.4 Any appeal will be heard by a Stage 2 Panel. If no appeal is made then the decision of the Stage 1 Panel is final.

**4. Stage 2 – Appeal Panel**

4.1 On notification of an appeal to the Company Secretary, the Company Secretary will liaise with the Chair of the Employment Committee or Chair of Board as appropriate and the Council's Head of HR regarding the setting up of a Stage 2 Panel to consider the matter.

4.2 The Stage 2 Panel will as a minimum consist of:

- If in relation to an Executive Director: the Chair of the Board and a Non-Executive Director (different to those involved at Stage 1), drawn from the Employment Committee and may include a Shareholder (officer) representative
- If in relation to the Managing Director: two Non-Executive Directors drawn from the Employment Committee and will include a Shareholder (officer) representative (different to those involved at Stage 1)

4.3 The HR Adviser to the Panel will be the Council's Head of HR, or other person nominated by them.

4.4 The decision of the Stage 2 Panel will be as if made by the Board itself and will be final.

## **5. Roles in relation to redundancies**

5.1 When proposals are being made to amend the senior management structure, the Managing Director, in conjunction with the Shareholder, will prepare the business case which may include redundancies that relate to senior manager positions for consideration by the Board in line with the company's agreed procedures. If the redundancy relates to the Managing Director then the business case will be prepared by the Chair in conjunction with the Shareholder.

5.2 Individual appeals against redundancy will be held in line with the arrangements set out in paragraphs 3 and 4 above.

5.3 At any appeal meeting, an officer of the Company will be in attendance to present the case on behalf of the Management. If the proposed case relates to the Managing Director, the Chair in conjunction with a Shareholder representative will present on behalf of the company.

	<b>In relation to Executive Director</b>	<b>In relation to Managing Director</b>
<b>Submission of allegation / complaint</b>	To the Managing Director	To the Chair of the Board
<b>Investigation</b>	Independent investigation	Independent investigation
<b>Stage 1 determination</b>	Managing Director and Chair of Employment Committee	Chair of the Board and Shareholder (officer) representative
<b>Submission of any appeal</b>	To the Company Secretary	To the Company Secretary
<b>Stage 2 appeal</b>	Chair of Board and Employment Committee member (different to the person involved from Stage 1).  May include a Shareholder (officer) representative.	Two Employment Committee members and a Shareholder (officer) representative (different to the person involved at Stage 1)