
WELSH STATUTORY INSTRUMENTS

2006 No. 1275

The Local Authorities (Standing Orders) (Wales) Regulations 2006

Investigation of alleged misconduct

9.—^[F1](1) Where, after a relevant authority has incorporated provisions in standing orders pursuant to regulation 8, it appears to the relevant authority that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the relevant authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct.

(1A) For the purposes of this regulation “a relevant officer” (“*swyddog perthnasol*”) is—

^[F2](a) the authority’s chief executive;

(b) its monitoring officer;

(c) its chief finance officer;

(d) its head of democratic services; or

(e) an officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in sub-paragraphs (a) to (d) where the alleged misconduct occurred during the period when the officer was an officer referred to in those sub-paragraphs.]

(2) The investigation committee must:

(a) consist of a minimum of 3 members of the relevant authority;

(b) be politically balanced in accordance with section 15 of the 1989 Act; and

must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(3) For the purpose of considering the allegation of misconduct, the investigation committee:

(a) may make such enquiries of the relevant officer or any other person it considers appropriate;

(b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and

(c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person (“*the designated independent person*”) for the purposes of the standing order which incorporates the provisions in Schedule 4 (or provisions to the like effect).

(5) The designated independent person who is appointed—

(a) must be such person as may be agreed between the relevant authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or

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- (b) where there is no such agreement, must be such person as is nominated for the purpose by the [^{F3}Welsh Ministers].
- (6) The designated independent person—
- (a) may direct—
- (i) that the relevant authority terminate any suspension of the relevant officer;
 - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 3 of Schedule 4 (or in provisions to the like effect);
 - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
 - (iv) that no steps (whether by the relevant authority or any committee, sub-committee or officer acting on behalf of the relevant authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the relevant authority, or which the relevant authority has power to authorise the designated independent person to inspect;
- (c) may require any member or member of staff of the relevant authority to answer questions concerning the conduct of the relevant officer;
- (d) must make a report to the relevant authority—
- (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer, and
- (e) must no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.
- (7) Subject to paragraph (8), the relevant officer and relevant authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (9) The relevant authority must consider the report prepared under paragraph (6) (d) within 1 month of receipt of that report.
- (10) A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

^{F4}(11)

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| F1 | Reg. 9(1)(1A) substituted for reg. 9(1) (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514) , regs. 1(2), 8(a) (with reg. 12) |
| F2 | Reg. 9(1A)(a) substituted (5.5.2022) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355) , regs. 1(2), 3(5) (with reg. 9) |
| F3 | Words in reg. 9(5)(b) substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514) , regs. 1(2), 8(b) (with reg. 12) |

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| <p>F4 Reg. 9(11) omitted (1.7.2014) by virtue of The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), 8(c) (with reg. 12)</p> |
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Changes and effects yet to be applied to :

- reg. 9 coming into force by [S.I. 2006/1275](#) reg. 1(1)