

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

Relevant experience

I have more than forty years' experience of strategic and high level management in the public sector in County Councils and Metropolitan District Councils. I have nineteen years' experience in total as a local authority Chief Executive including 9 years as Chief Executive of the Metropolitan Borough of Knowsley and 10 years as Chief Executive of Bradford City Council (the fourth largest metropolitan authority in England).

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 1999 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.