

SLOUGH BOROUGH COUNCIL
BEST VALUE COMMISSIONERS

REPORT TO: Council

DATE: 10th March 2022

FROM: Best Value Commissioners

ITEM 10: UPDATES FROM THE BEST VALUE COMMISSIONERS

1. Purpose of Report

1.1 To notify Council of the decisions taken by the Commissioners at a decision-making meeting of the Commissioners held on Wednesday 9th March 2022.

1.2 The Commissioners were acting under the powers given to them by the Secretary of State in the Directions under Section 15(5) and (6) of the Local Government Act 1999, in relation to the following function of the authority to be exercised by the Commissioners:

4. *“All non-executive functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as statutory officers, and the designation of those persons as statutory officers, to include:*

a) the functions of designating a person as a statutory officer and removing a person from a statutory office;

b) the functions under section 112 of the Local Government Act 1972 of -

i) appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and

ii) dismissing any person who has been designated as a statutory officer from his or her position as an officer of the Authority.”

2. Recommendations

Council is recommended to note that the Best Value Commissioners decided:

(a) That Josie Wragg be summarily dismissed for gross misconduct as Slough Borough Council’s Chief Executive, Head of Paid Service and Returning Officer, with effect from 9th March 2022, without notice or pay in lieu of notice but be paid for accrued leave, as set out in section 3 of the report.

(b) That Gavin Jones be appointed as Chief Executive and Head of Paid Service with effect from 9th March 2022, and that Council confirms that it concurs with this appointment.

3. Supporting information

3.1 Summary of decision as announced by the Lead Commissioner, Max Caller, Wednesday 9th March 2022:

“Slough Borough Council’s Investigating & Disciplinary Committee (‘IDC’) met in October 2021 to consider concerns about its chief executive Josie Wragg, in accordance with the employment protections which apply to local authority statutory officers.

The IDC concluded that the concerns should be independently investigated, and Ms Lowton was appointed to undertake the role.

Ms Lowton completed her investigation which included interviewing the Chief Executive and reported to the IDC in February 2022. Ms Lowton concluded that the chief executive had:

- Failed to provide effective corporate leadership, or to build a stable and effective corporate management team*
- Failed to ensure adequate corporate capacity, resulting in inadequate internal processes and insufficient capacity to achieve the changes required*
- Failed to put in place effective council governance*
- Failed to ensure that posts at all levels including statutory officer posts were appropriately filled, for example the s151 Officer*
- Failed to monitor, challenge or manage the Council’s revenue budget, borrowing or capital programme*
- Failed to identify, manage or mitigate key risks facing the Council*
- Demonstrated a lack of awareness and acceptance of the need for improvement*
- Failed to ensure recommendations from audit and peer reviews were implemented in a timely manner*
- Failed to develop an adequate or credible response to the s114 Notice*
- Not demonstrated or given confidence to external partners that she was capable of leading the Council through its current difficulties.*

Ms Lowton said that the key issue for the IDC was responsibility for Slough’s present financial difficulties. She said that there were many longstanding problems in the Council, but the Chief Executive did not address them as she should have done.

Ms Lowton further reported that instead of building up corporate capacity to address these problems, capacity was removed as part of a whole council restructure. That restructure, she reported was undertaken without adequate costings, HR data, risk assessments, change management procedures or understanding of its potential impact, and then without review following the onset of the pandemic. In addition, given that the Council’s accounts had not been signed off, the restructure was undertaken when it was ‘financially blind’.

The Chief Executive's decision to proceed in these circumstances was, Ms Lowton advised, 'reckless'.

The IDC concluded that the Chief Executive's failure to address the issues facing the Council when she joined and the failures itemised above were seriously negligent, and her pursuit of the 'Our Futures' programme with the consequences now apparent to all was reckless, which constitute gross misconduct. Having considered all the circumstances including a detailed statement by the Chief Executive, the IDC unanimously proposed that she should be dismissed. No material and well-founded objections having been received from any member of Cabinet to that proposal, it was referred to Slough's Independent Panel.

The Panel unanimously agreed to support the proposal to dismiss but advised the Commissioners to give consideration to the fact that no concerns about performance had been raised in appraisals.

The proposal was considered by Slough's Best Value Intervention Commissioners (acting in the place of full Council) on 9th March. The meeting followed the procedure set out in the papers which provided an opportunity for the Chief Executive and the Chair of the IDC to make their respective points to Commissioners.

Commissioners therefore heard from the Chair of the Investigating & Disciplinary Committee, the Chief Executive and her representatives and have considered the substantial amount of written information provided.

In reaching its decision, Commissioners gave regard to the advice of the Independent Panel, which was a long-standing committee including people from outside of Slough Borough Council. It was common ground that Josie Wragg had had no concerns about her performance raised in her appraisals, which was cited in the Independent Panel's advice, but the Independent Panel had supported recommendations of IDC.

Commissioners noted there had been a number of attempts to settle the matter before it came to them. The Council was prepared to settle before Christmas but the agreement could not be finalised. Whilst we heard proposals that there might still be a chance to reach agreement at this late stage no proposal was actually on the table. It was also common ground that the Council needed to move on and Commissioners therefore felt it was important to reach a conclusion in the interests of all parties.

Commissioners recognised that the CEO could not and should not be held accountable for decisions taken prior to her appointment, but that the decisions she did take and was responsible for had been tested by the IDC and the allegations had been upheld through proper process. No new evidence was provided to Commissioners against the decision of the IDC and advice of the Independent Panel.

We particularly noted that the IDC concluded it was reckless of the Chief Executive to proceed with reorganising the Council during the pandemic without

the necessary financial and operational knowledge. The Independent Panel had supported the conclusion of the IDC.

After carefully considering all the papers before them, the advice from the Independent Panel and having heard from the chief executive and her representatives, the Commissioners decided that Josie Wragg should be summarily dismissed for gross misconduct as Slough BC's chief executive, head of paid service and returning officer, with effect from today, 9th March 2022, without notice or pay in lieu of notice but be paid for accrued leave."

4. Conclusion

Council is requested to note the decisions taken by the Best Value Commissioners on 9th March 2022 and concur with recommendation (b) that Gavin Jones, who is currently an Assistant Commissioner, be appointed as Chief Executive and Head of Paid Service.