

# LONDON BOROUGH OF CROYDON

<b>REPORT:</b>	<b>Appointments and Disciplinary Committee</b>  <b>PART A</b>	
<b>DATE OF DECISION</b>	<b>23rd March 2023</b>	
<b>REPORT TITLE:</b>	<b>Consideration of the recommendation concerning a potential repudiatory breach by the former Chief Executive of her contract of employment and potential breach of her settlement agreement</b>	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	<b>Katherine Kerswell Chief Executive</b> <b>Dean Shoesmith Chief People Officer</b>	
<b>LEAD OFFICER:</b>	<b>Dean Shoesmith Chief People Officer</b>  <b>Dean.Shoesmith@croydon.gov.uk</b>	
<b>LEAD MEMBER:</b>	<b>Mayor Jason Perry</b>	
<b>CONTAINS EXEMPT INFORMATION?</b>  <i>(* See guidance)</i>	NO	Public/Part A
<b>WARDS AFFECTED:</b>	<b>All</b>	

## 1 SUMMARY OF REPORT

- 1.1** This report offers advice to Members following the receipt of the Kroll report and further legal advice on addressing the Penn report recommendation regarding a potential repudiatory breach by the former chief executive of her contract of employment and potential breach of her settlement agreement.
- 1.2** This matter was last discussed by this committee in April 2022, where members agreed that action on this matter be deferred until the Kroll report was received.

## 2 RECOMMENDATIONS

For the reasons set out in the report (and its appendices), the Appointments and Disciplinary Committee is recommended:

- 2.1 To consider the recommendation of the Penn report concerning a potential repudiatory breach by the former Chief Executive of her contract of employment and potential breach of her settlement agreement.

## 2.2 REASONS FOR RECOMMENDATIONS

- 2.3 For Members to consider the evidence, the legal advice, the public interest, best value and all other relevant factors in deciding whether to seek recovery of monies from the former chief executive.

## 3 BACKGROUND AND DETAILS

- 3.1 The Penn report, published by the Council on 24<sup>th</sup> February 2023, contained several recommendations to consider. Since the receipt of the report in February 2021, the Appointments Committee (now Appointments and Disciplinary Committee) has considered these recommendations and, to date, has made decisions on their implementation.

- 3.2 Paragraph 14.23 contains the following recommendation. *“The investigation has raised concerns about the actions and inactions of the former Chief Executive who is no longer employed by the Council. It is recommended that members consider a review of the settlement agreement that was signed by the Council with the former Chief Executive and whether the concerns raised in this initial investigation constitute a repudiatory breach of her contract and thus a breach of the terms of the settlement”*.

- 3.3 Other relevant information is set out and discussed in the Exempt/Part B report and the exempt appendices attached to that report.

## 5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are no other alternatives, other than set out in the main body of the report.

## 6 CONSULTATION

- 6.1 *Not applicable*

## 7. IMPLICATIONS

### 7.1 FINANCIAL IMPLICATIONS

- 7.1.1 These are set out in the Exempt/Part B report.

### 7.2 LEGAL IMPLICATIONS

- 7.2.1 These are set out in the Exempt/Part B report.

### **7.3 EQUALITIES IMPLICATIONS**

**7.3.1** There are no immediate equalities implications arising.

**7.3.2** Comments approved by Dean Shoesmith Chief People Officer

### **8. APPENDICES**

8.1 These are listed and attached to the Exempt/Part B report.

### **9. BACKGROUND DOCUMENTS**

None.