

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>HR &amp; APPEALS PANEL</b>
<b>DATE:</b>	<b>24 April 2019</b>
<b>SUBJECT:</b>	<b>Disciplinary Procedure for Head of Paid Service, S151 Officer and Monitoring Officer</b>
<b>REPORT FROM:</b>	Tracy Murphy, Assistant Director HR/OD
<b>CONTACT OFFICER:</b>	Caroline Schofield, Head of Corporate HR Services
<b>SUMMARY:</b>	This report details the changes made by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 relating to the potential dismissal of the Head of Paid Service, S151 Officer and Monitoring Officer which have been incorporated into the Council's Constitution; and the procedures required to enable implementation in line with the model procedure laid down in the JNC for Chief Executive's Conditions of Service Handbook.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	Recommendations appear at the end of this report.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	The proposals accord with the policy framework
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no significant financial implications for the Council arising from the Constitutional changes proposed in this report.
<b>Equality/Diversity implications:</b>	None.
<b>Considered by Monitoring Officer:</b>	There are important regulatory functions to protect the Council's ability to discharge its functions effectively and lawfully, to prevent the politicisation of employees and to safeguard against the

	inappropriate or illegal use of public resources. Exercising these functions could bring the statutory officers into conflict with the political leadership of the Council. In consideration of this context it is proposed that the Council adopts a procedure as provided for in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
<b>Wards Affected:</b>	All

## **1. Purpose of Report**

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 made changes to matters relating to the dismissal of three statutory officers (Head of Paid Service, S151 Officer and Monitoring Officer). This provision is to ensure that these officers can discharge their duties without fear of being unduly influenced or being dismissed without good reason and provides a degree of protection against unwarranted political interference in their roles.
- 1.2 This report seeks agreement of a formal procedure to implement the regulations and provide clear guidance, to the officers concerned and the Council in terms of the process it must follow.

## **2. Background**

- 2.1 Reports were taken to Human Resources and Appeals Panel and Council in June and July 2015 on the amendment to the standing orders and the requirement to amend the Employment Procedure Rules in the Council Constitution.
- 2.2 The Head of Paid Service, S151 Officer and Monitoring Officer carry specific statutory responsibilities and councils are required to follow specific procedures when investigating and dealing with disciplinary matters for these officers.
- 2.3 The Chief Executive's Conditions of Service Handbook was updated 13<sup>th</sup> October 2016 to reflect these changes.
- 2.4 The Chief Officer Conditions of Service Handbook was updated 8<sup>th</sup> August 2017 referring disciplinary matters for the S151 officer and Monitoring Officer to the JNC for Chief Executive's handbook.

## **3. Amendments/Implications**

- 3.1 The requirement to appoint a Designated Independent Person (DIP) and act in accordance with their recommendation has been replaced by the requirement to form an Independent Panel of a minimum of two

independent people appointed under Section 28 of the Localism Act 2011 (relating to standards complaints against members).

- 3.2 The advice, views and recommendations of the Independent Panel will need to be considered before any decision is made by the Council to dismiss.
- 3.3 The Independent Panel must be appointed at least 20 days before the Council meeting to consider dismissal.
- 3.4 Should the appointed independent persons refuse to sit on such a panel, the Council must appoint independent persons from other local authorities.
- 3.5 An Investigating and Disciplinary Committee (IDC) will be formed to deal with any disciplinary matters relating to the three officers. Part of their responsibility will be to consider whether or not it is appropriate to suspend an officer. However, in accordance with the recommendations in the Chief Executive's handbook and the Council delegation arrangements, it is proposed that, should suspension need to take place before the meeting of the IDC, this is done by the Assistant Director HR/OD in conjunction with the Leader.
- 3.6 The model procedure has been brought together into a clear Disciplinary Procedure for the Council to follow when dealing with disciplinary matters relating to the Head of Paid Service, S151 Officer and Monitoring Officer.

#### **4.0 Resource Implications**

- 4.1 None.

#### **5.0 Recommendations/Next Steps**

- 5.1 That the draft Disciplinary Procedure and flow chart be approved retrospectively on the basis that it is already laid down in the model procedure.
- 5.2 That the draft procedure and flow chart be shared with the trade unions and issued to the relevant officers as part of their contract of employment.