

Officer Employment Rules - Part 4 - Section J of the Constitution

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| Ward(s) | N/A |
| Affected: | |

Purpose

To consider statutory changes to the Officer Employment Rules at Part 4 - Section J of the Constitution.

Background

1. In 2010 new rules were introduced which stated that a statutory officer could not be the subject of disciplinary action unless a Designated Independent Person had been appointed to investigate and make a binding recommendation on such action. The Government has now changed that process.

Current Position

2. Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015 and require that local authorities incorporate certain provisions in respect of disciplinary action of statutory officers into the Council's Standing Orders. These are set out in the attached Annex A (deletions shown crossed through and additions shown in bold).
3. The Regulations set out changes to the statutory disciplinary and dismissal procedures applying to the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer. Under the new process, the dismissal of a statutory officer must be approved by way of a vote at a meeting of the authority who will be able to dismiss, provided they take into account the advice, views or recommendations of a Panel which must include at least two independent persons as defined under Section 28 of the Localism Act 2011. Arrangements for a pool of Independents Persons are being considered to meet this requirement. The Panel must also take into account the conclusions of any investigation and representations from the officer concerned.
4. The Regulations also require authorities to incorporate these provisions at the first ordinary meeting falling after 11 May 2015.

Recommendation

5. The Council is advised to RESOLVE that the Officer Employment Rules at Part 4 Section J paragraph 7 of the Constitution be amended in accordance with the Schedule to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as set out at Annex A.

Annexes: Annex A

Background Papers: The Local Authorities (Standing Orders) (England)
(Amendment) Regulations 2015 no: 881

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