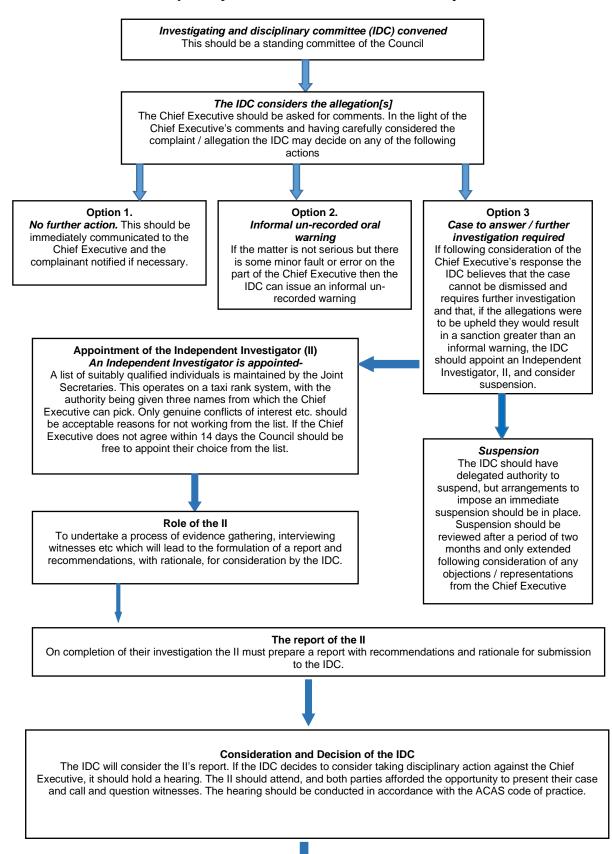
ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives



Recommendations of the IDC

Following the hearing of the case the IDC will essentially have three options

- I. No case to answer
- 2. Disciplinary action short of dismissal
 - 3. Dismissal



No case to answer

Appropriate communication should be prepared in agreement with the Chief Executive to ensure that as far as possible there is no damage to the postholder's reputation. The IDC should consider reimbursement of any reasonable expenses incurred by the employee.



Action short of dismissal

A decision to take action short of dismissal should be communicated in writing to the Chf Exec with rationale for the decision. The Chf Exec has the right of appeal to the appeals committee against this decision



Recommendation to dismiss

If there is a recommendation to dismiss, the reports of the IDC and the II should then be sent to Independent Panel (IP) for its consideration. The Chief Executive may make representations to the IP



Composition, role and process of the IP

The IP should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and should comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. Appropriate training prepared by the JNC should be provided to these Independent members. The meeting should be serviced by officers who have not previously been involved with the IDC. Both parties should be present or represented* at the meeting. The representative of the IDC should present the reasons for the recommendation to dismiss. The IP should receive any representations from the Chief Executive. Either side (and the IP) may ask questions of either party and of the II. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if the IP disagrees with the recommendation to dismiss.



Report to full Council

Following consideration by the IP a report should be presented to Council. This report should comprise the recommendation of the IDC, the II's report and any comments on the recommendation for dismissal from the IP. In the light of this information Council should consider the recommendation to dismiss. The Chief Executive should be provided with a right of appeal against the decision and allowed to attend this meeting and address Council. The II may also be invited to attend to provide clarification if required. A representative of the IP should be invited to attend if the IP does not support the recommendation for dismissal. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes the Chief Executive's final right of appeal.