

## ITEM 16 – Appendix 2

### Investigating and Disciplinary Committee

The committee will:

1. Be responsible for the investigation of disciplinary matters relating to the Chief Executive and Head of Paid Service, Chief Finance Officer and Monitoring Officer, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and the local procedure set out in Part 7 of the Council Constitution, to be read in conjunction with the model procedure and guidance contained within the Joint Negotiating Committee (JNC) Conditions of Service Handbook for Chief Executives.
- 1.2. Deal with all matters of discipline relating to chief officers employed by the council under ~~Joint Negotiating Committee (JNC)~~ JNC terms and conditions, other than the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer, in accordance with the relevant procedures set out in Part 7 of the Council Constitution; and
- 2.3. Review and make recommendations to Council to amend the disciplinary procedures from time to time. However, in doing so, the committee is required to have regard to any changes to the model procedures, contained in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers respectively, which may be implemented from time to time.

~~The membership of the committee is set out in the disciplinary procedures within Part 7 of the Council Constitution. The Chair of the committee shall be selected from the members of the committee by majority vote.~~

The membership of the Investigating and Disciplinary Committee will:

- (i) Include no fewer than five elected members;
- (ii) Not include any member with a direct personal involvement in the complaint;
- (iii) Be politically balanced;
- (iv) Include at least one member of the Council Cabinet, with not more than half of the members of the IDC to be members of the executive.

The Chair of the committee shall be selected from the members of the committee by majority vote.

In the case of a complaint against:

- (i) The Chief Executive and Head of Paid Service, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer, in consultation with the Head of Human Resources and Organisational Development
- (ii) The Monitoring Officer or Chief Finance Officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be

- delegated to the Chief Executive and Head of Paid Service, in consultation with the Head of Human Resources and Organisational Development.
- (iii) Non-statutory Chief Officers, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Chief Executive and Head of Paid Service, in consultation with the Head of Human Resources and Organisational Development.

The IDC will have delegated responsibility for the suspension of the relevant statutory officers under the agreed procedures. In cases of urgency, this function is delegated to the Chair of the IDC, in consultation with the Head of Paid Service (in the case of the Monitoring Officer or Chief Finance Officer) or the Chair of the IDC, in consultation with the Monitoring Officer (in the case of the Head of Paid Service). For non-statutory Chief Officers, this function is delegated to the Chief Executive.

The IDC holds delegated responsibility for taking action short of dismissal against the relevant statutory officers under the procedures detailed at Part 7 of the Council Constitution.

~~Council agreed at its meeting on 17 September 2014 that delegated power to take disciplinary action in accordance with the disciplinary procedures be granted to the committee. This was amended by a further decision of Council on 22 July 2015, through which separate procedures were introduced for the Chief Executive and Head of Paid Service, Monitoring Officer and Section 151 Officer.~~

The Investigating and Disciplinary Committee is exempted from application of Council Procedure Rule CP10, which prohibits a meeting from sitting for longer than four hours in duration.

~~The Council at its meeting on 17 September 2014 agreed that application of the current restriction which prohibits a meeting from sitting longer than four hours, be removed in relation to this committee, subject to a requirement on the Committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.~~

## **Disciplinary Appeals Committee**

The committee will:

1. Hear appeals from the Chief Executive, and Head of Paid Service, Chief Finance Officer and Monitoring Officer, in accordance with the model procedure contained within the Joint Negotiating Committee (JNC) Condition of Service Handbook for Chief Executives, where the Investigating and Appeals Committee has recommended action short of dismissal against any such officer.
- ~~1.2.~~ Deal with appeals from chief officers employed by the council under Joint Negotiating Committee (JNC) terms and conditions, other than the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer, arising out of disciplinary action taken against them by the Council's Investigating and Disciplinary Committee, in accordance with the relevant procedures set out in Part 7 of the

## Council Constitution

The membership of the Disciplinary Appeals Committee will:

- i) Include no fewer than five elected members;
- ii) Not include any member with a direct personal involvement in the complaint;
- iii) Be politically balanced;
- iv) Include at least one member of the Council Cabinet, with not more than half of the members of the Disciplinary Appeals Committee to be members of the executive;
- v) Not include members of the IDC.

~~The membership of the committee is set out in the disciplinary procedures within Part 7 of the Council Constitution.~~ The chair of the committee shall be selected from the members of the committee by majority vote.

### Independent Panel

The Independent Panel will consider a recommendation to dismiss the Chief Executive or other statutory officers by the Investigating and Disciplinary Committee under the procedure detailed in Part 7 of the Constitution.

The Independent Panel will comprise of at least two independent persons who have been appointed by the Council (or another Council) pursuant to Section 28 of the Localism Act 2011.

Appointments to the Panel are required in accordance with the following priority order:

- 1) An independent person who has been appointed by the Council and who is a local government elector in the authority area;
- 2) Any other independent person who has been appointed by the Council and;
- 3) An independent person who has been appointed by another council or councils.

~~**Note: Council approved on 22 July 2015 that disciplinary procedures for the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer shall not be conducted through the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee, but through the arrangements required under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as set out within Part 7 of the Council Constitution.**~~