

Report to: Governance Committee

Date of meeting: 23 June 2020

By: Chief Operating Officer

Title: Amendment to Constitution Rules of Procedure – Disciplinary Process for Senior Officers

Purpose: To seek the Committee’s approval for amendments to the Constitution regarding disciplinary procedures for senior officers

RECOMMENDATIONS

The Governance Committee is recommended to recommend the County Council approves the amendments to the Council’s Constitution as detailed in Appendix 1.

1 Background

1.1 The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015 amended the statutory process to be followed in relation to disciplinary processes for senior officers by removing the previous requirement that a designated independent person (DIP) be appointed to investigate and make a binding recommendation on disciplinary action against the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

1.2 At its meeting on 29 June 2015, the Governance Committee approved amendments to our local procedures to remove the role of the DIP. The Joint Negotiating Committee for Local Authority Chief Executives has since published a revised Conditions of Service handbook, produced in consultation with the Association of Local Authority Chief Executives (ALACE), which gives greater detail and explanation on several key points.

1.3 As a result of the above, further revisions to the arrangements set out in the County Council’s Constitution are now recommended. The proposed amendments relate only to Section 6 of the Constitution. A copy of the revised process is attached at Appendix 1.

2 Summary of Proposed Changes

2.1 The proposed amendments seek to offer greater detail on the procedures in the instance of any allegations being made. The key changes being:

- i) the addition of the provision for informal conciliation, if it can bring about a mutually agreed solution, as opposed to the current approach which only provides for formal processes to be used (para 6. (ii)); and
- ii) greater clarity of roles and responsibilities at the different stages of the procedures, including timescales.

2.2 It should be noted that no change is proposed to the current approach whereby Full Council is required to give the final approval of any recommendation to dismiss a statutory officer.

3. Recommendations

3.1 The Governance Committee is recommended to recommend the County Council approves the amendments to the Council's Constitution as detailed in Appendix 1.

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