

Question Time

Written question 1 from Mr P. Jagutpal, resident of the Borough:

“Please explain the process for investigating complaints and dispensing any subsequent disciplinary action against the Chief Exec and statutory officers?”

Reply:

Before we answer this question, on behalf of the Council, an apology is offered to the questioner for the delay in addressing his original question and follow up question following receipt of the written reply provided after the last meeting of this Committee. As explained at the last meeting of this Committee, this matter has taken far longer to address than usual and for that we wish to express our apologies to both him and members of this Committee.

For the benefit of this Committee and the questioner, we are happy to confirm the answer as provided following the last meeting of this Committee along with some further clarification which seeks to address the follow-up question that is no longer part of the resubmitted question before this Committee.

The Process is that as set out within [Schedule 3](#) of The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended). The Council’s Complaints Policy does not apply to any complaint brought against Statutory Officers. This is supported by an internal Disciplinary Policy that addresses the proposed process when it concerns the Council’s Statutory Officers.

The process for investigation such a complaint begins in accordance with Schedule 3, Regulation 3, in that where an allegation is made regarding the conduct of any of the Council’s Statutory Officers, the Council’s Head of HR and OD in consultation with the Chair of the Council’s Strategy and Resources Committee and the Monitoring Officer (or Deputy Monitoring Officer where applicable) will convene as a Panel to decide whether the issue falls within the definition of staff discipline. If the issue falls within the relevant definition, relevant Independent Persons (at least two) will be appointed to the Panel.

The Panel shall screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended pending the outcome of that investigation. If they are of the view that the complaint warrants an investigation, they will recommend the appointment of an independent investigator who will be invited to prepare a report back to the Panel who shall

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review the results of the investigation to consider what disciplinary action, if any, is appropriate, after hearing the views of the relevant officer.