

## **Appendix 1 –**

### **Draft Standing Order to be added to the Constitution under Annex 4-: *Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer***

1. In the following paragraphs:

- (a) 'the 2011 Act' means the Localism Act 2011;
- (b) 'chief finance officer', 'disciplinary action', 'head of the authority's paid service' and 'monitoring officer' have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) 'independent person' means a person appointed under section 28(7) of the 2011 Act;
- (d) 'local government elector' means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) 'the Panel' means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) 'relevant meeting' means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3, 'relevant independent person' means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order:

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent

person in accordance with paragraph 5, but may do so.

7. The authority must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusion of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

**10. Disciplinary Action:**

(a) Suspension. The Head of Paid Service, Monitoring Officer, Chief Finance Officer and other Chief Officer(s) may be suspended while an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than three months (with all reasonable endeavours to be taken to ensure that this is no longer than absolutely necessary).

(b) Councillors will not be involved in the disciplinary action against any officer other than a Statutory Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action resulting in dismissal only.

(c) Deputy Statutory Officers will be subject to the same disciplinary procedures as apply to other members of staff.