

Recommendation of the Members' Code of Conduct Committee

Council – 27 April 2017

Changes to the Constitution – Disciplinary Procedures for Chief Officers

1. At its meeting on 25 April 2017 the Members' Code of Conduct Committee considered a report on changes to the Constitution with regards to disciplinary procedures for Chief Officers and proposals to adopt the JNC Model Discipline Procedure and Guidance as the process by which this Council deals with matters of discipline, capability, redundancy and other dismissals against the Chief Executive and other statutory officers.
2. At the time the Council authorised the Monitoring Officer to make consequential amendments to the Officer Employment Procedure Rules, arising from the new disciplinary procedures, in 2015, no detailed guidance was available in order to marry the statutory provisions with the contractual provisions under which Chief Officers served.
3. The Joint Negotiating Committee for Local Authority Chief Executives (JNC), undertook a thorough consideration of the statutory changes and published a Model Discipline Procedure and Guidance incorporating the new statutory process in October 2016.
4. The Local Government Association (LGA) and the Association of Local Authority Chief Executives and Senior Managers (ALACE) through the JNC for Chief Executives have commended this model procedure because:
 - The procedure and guidance have been drawn-up in light of the experience of the Joint Secretaries in their involvement with individual cases;
 - Its variants apply to constitutions with council leader / cabinet executives, mayor/cabinet executives and those councils operating a committee system.
5. In order to use the model procedure, the Council needs to consider appointing appropriate committees with their delegated powers, namely the Investigating and Disciplinary Committee, the Staffing and Appeals Committee and the Independent Panel before incidents which might engage the procedure arise.
6. In order to facilitate efficient decision making, the Committee also considered a proposal to give the Head of Corporate Governance authority to amend delegations to reflect changes in legislation, or references to legislation, in those cases where such changes do not alter the nature of the existing delegations.
7. The Members' Code of Conduct Committee recommends Council to agree
 - (i) to amend the Officer Employment Procedure Rules relating to disciplinary action by reference to the Model Discipline Procedure and Guidance as set out at Appendix 2 to the report;

- (ii) the appointment of an:
 - (a) Investigating and Disciplinary Committee
 - (b) Independent Panelwith the Terms of Reference as set out at Appendix 4 to the report and
- (iii) amendments to the Terms of Reference of the Staffing and Appeals Committee; and
- (iv) to amend the introduction to the Scheme of Delegations as set out at Appendix 5 to the report.

Murray Litvak
Chairman of the Members' Code of Conduct Committee

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