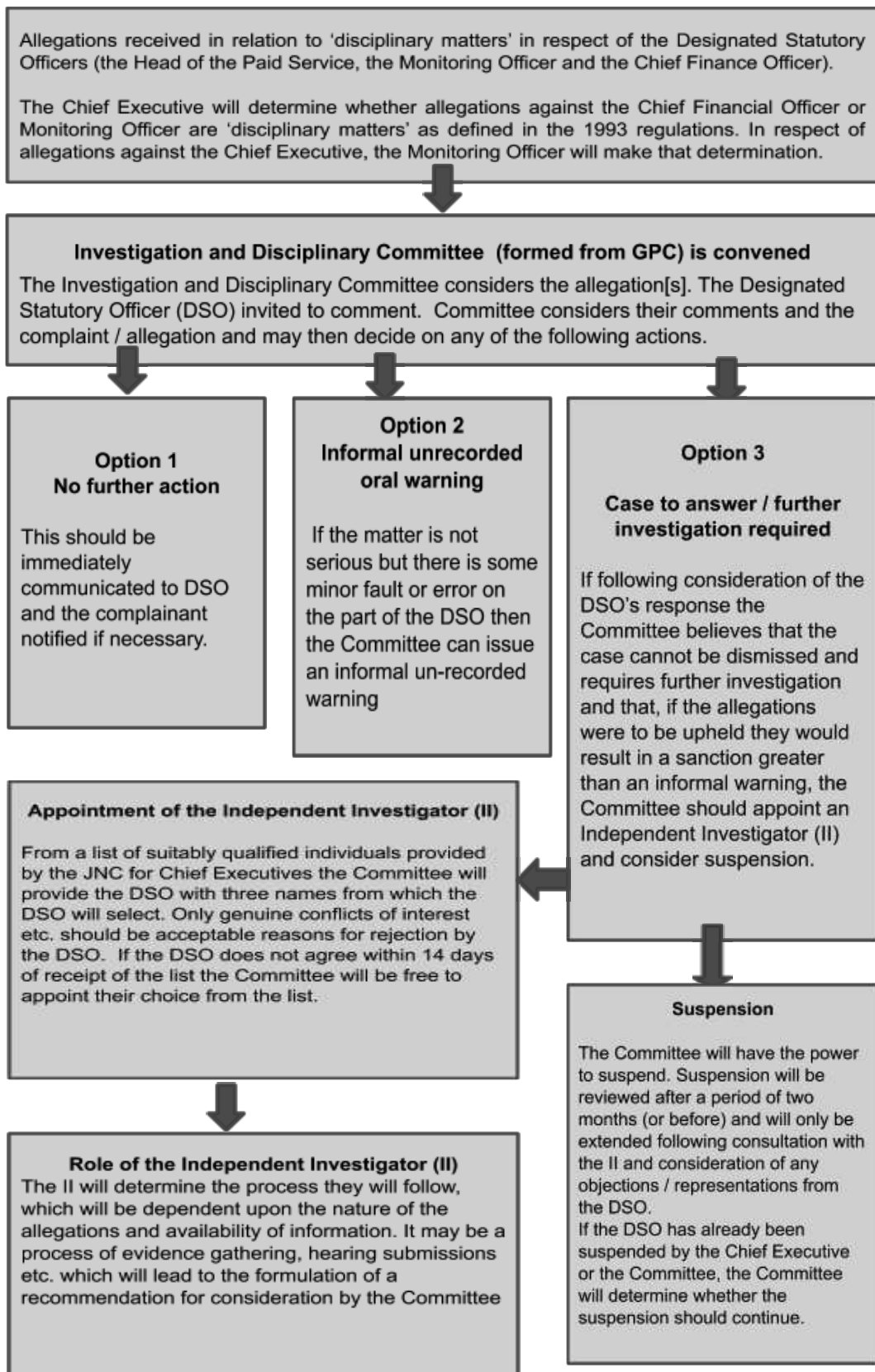


Appendix 3

Procedure for Local Authority Designated Statutory Officers



Report by Independent Investigator and consideration and decision by the GPC

On completion of the investigation the Independent Investigator will prepare a report with recommendations and rationale for submission to the Committee.

The Committee will afford the DSO the opportunity for a hearing to allow the post holder to challenge the recommendations of the Independent Investigator, call witnesses etc.

The Committee may decide to call witnesses for clarification. The DSO and Independent Investigator should attend this meeting and both parties afforded the opportunity to summarise their case and will have the usual opportunities to present evidence and cross examine witnesses etc. Both parties will have the right to be represented at the hearing. The hearing should be conducted in accordance with the ACAS code of practice.



Recommendation of the GPC

Following either consideration of the report of the II or a full hearing of the case the GPC will essentially have the following options:

- No case to answer
- Recommend informal resolution or other appropriate procedures
- Refer back to the II for further investigation
- Disciplinary action short of dismissal
- Propose dismissal



No case to answer

Appropriate communication should be prepared in agreement with the DSO to ensure that as far as possible there is no damage to the post holder's reputation.



Action short of dismissal

A decision to take action short of dismissal should be communicated in writing to the DSO with rationale for the decision. The DSO has the right to appeal to the Disciplinary Appeals Committee against this decision.



Recommendation to dismiss

If there is a recommendation to dismiss, the reports of the GPC and the II should then be sent to Independent Panel (IP) for its consideration. The DSO may make written representation to the IP.





Composition, role and process of the Independent Panel (IP)


The IP will be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and will comprise only independent persons (at least two) appointed under S28 (7) of the Localism Act 2011. Appropriate training should be provided to these independent members. Both parties should be present or represented* at the meeting. The IP should receive any oral representations from the DSO in which case it should invite any response of behalf of the GPC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

*The GPC should nominate a person to attend on its behalf. This will usually be the Chairman of the GPC.



Report to Full Council

Following consideration by the IP a report will be presented to Council. This report should comprise the recommendation of the GPC, the IP's report and any comments on the recommendations for dismissal from the IP. In the light of this information, Council should consider the recommendation to dismiss. The DSO should be allowed to attend this meeting and address the Council. The IP may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction (in which case there would be no right of appeal)



Notice of dismissal and Executive Notification Procedure

The DSO will not be issued with the notice of the dismissal until:

- the Council has notified the proper officer of the name of the person who the Council wishes to dismiss and any other particulars which the Council considers are relevant to the dismissal
- the proper officer has notified every member of the cabinet of this information together with the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the cabinet to the proper officer; and either—
 - (i) the Leader has, within the period specified, notified the Council that neither they nor any other member of the cabinet has any objection to the dismissal;
 - (ii) the proper officer has notified the Council that no objection was received by the proper officer within that period from the Leader; or
 - (iii) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

