STANDING ORDERS IN RELATION TO STAFF

Council	**6 February 2020**
Report Author	**Director of Corporate Governance and Monitoring Officer**
Status	**Recommendation**
Classification:	**Unrestricted**

Executive Summary:

This report sets out the revisions to the constitution which are required for setting out the arrangements for dealing with disciplinary action against the Council's Statutory Officers (Head of Paid Service, Chief Finance Officer and Monitoring Officer) in order to comply with the The Local Authorities (Standing Orders) (England) Regulations 2001 (the 2001 Regulations) as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations).

Recommendation(s):
Council is recommended:

a) to create an Investigation and Disciplinary Sub-Committee and Disciplinary Appeals Sub-Committee as sub-committees of the General Purposes Committee , as set out in Annex 1;
b) to appoint an Independent Persons Panel, agree its terms of reference, as set out in Annex 1, and agree that it should comprise three Independent Persons;
c) to agree to pay a fee to Independent Persons appointed to the Independent Persons Panel equal to the agreed rate paid in respect of their role in advising Council on Councillor Conduct issues;
d) to amend the Employment Rules, as set out in Annex 2;
e) to delegate to the Committee Services Manager authority to invite and appoint members to serve on the Independent Persons Panel as set out in paragraph 5 of the report
f) to delegate authority to the Chief Executive (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to immediately suspend the Monitoring Officer or Section 151 Officer where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council. The General Purposes Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend.
g) to delegate authority to the Monitoring Officer (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to immediately suspend the Chief Executive, where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council. The General Purposes Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend".

CORPORATE IMPLICATIONS	
Financial and Value for Money	The proposals will result in costs being incurred in relation to the appointment of an Independent Investigator and also if the Investigation and Disciplinary Sub-Committee, the Disciplinary Appeals Sub-Committee or the Independent Persons Panel decides to commission external legal and professional advice. In addition, the Members of the Independent Persons Panel are entitled to receive a fee, which must not exceed the rate payable to that person in respect of their role in advising the Council on Councillor Conduct issues. Any costs will be met from within existing budgets.
Legal	The The Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require local authorities to make or modify standing orders to include certain provisions relating to staff and other matters. The Council amended the Employment Rules in February 2016 to comply with the broad requirements of the Regulations but left the details to be resolved later due to uncertainty over the operation of the rules. The proposals in this report are compliant with the 2015 Regulations. The Independent Persons Panel is an advisory committee of the Council appointed under S.102 (4) of the Local Government Act 1972.
Corporate	The Council is vulnerable to claims if its processes do not fully comply with the legislation and its contractual obligations.The proposals have been agreed with Kent Monitoring Officers following advice from Counsel on key issues.
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership. Please indicate which aim is relevant to the report. Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, ✓ Advance equality of opportunity between people who share a protected characteristic and people who do not share it ✓ Foster good relations between people who share a protected characteristic and people who do not share it. ✓ There are no direct equalities implications.

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	

1.0 Introduction and Background

1.1 The Council's Employment Rules and Prescribed Standing Orders must stipulate that the Council's Statutory Officers (i.e. The Head of Paid Service, Monitoring Officer and Chief Finance Officer) may not be dismissed by the Council unless in accordance with the requirements of the 2001 Regulations as amended by the 2015 Regulations.

1.2 Decisions on the arrangements needed to comply with these Regulations are a matter for Council.

2.0 Background

2.1 The Local Government Act 1972, the Local Government Finance Act 1988 and the Local Government and Housing Act 1989 require local authorities to designate officers as the "head of paid service", the "monitoring officer" and the officer "responsible for the administration of the authority's financial affairs" (called the "chief finance officer" or "section 151 officer"), each of whom has a personal statutory duty to report to Cabinet or Full Council in certain circumstances. Their duties are, in very broad terms, to prevent or highlight organisational, legal or financial problems. This Council has designated the Chief Executive, the Director of Corporate Governance and the Deputy Chief Executive to these respective roles.

2.2 As a result of the personal duties upon them, the post holders have a degree of statutory protection from dismissal or other disciplinary action. Before the 2001 Regulations as amended by the 2015 Regulations, referred to above, there was a requirement to appoint a Designated Independent Person (DIP) to undertake an investigation where disciplinary proceedings were contemplated against a Statutory Officer. The Council or a relevant Committee was obliged to consider that report before making a decision involving disciplinary sanction or dismissal of a Statutory Officer. Under the previous rules, only Full Council could dismiss the Head of Paid Service. The Monitoring Officer and Chief Finance Officer could be dismissed by a Committee. The DIP procedures dated back to 1993 but the concept of statutory protection is a much older one.

2.3 In March 2015, the 2001 Regulations 2001 were amended by the 2015 Regulations. The amendments changed the procedure which local authorities must follow before dismissing the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (the Statutory Officers). The 2001 Regulations required the Council to include in its Constitution, Standing Orders which deal with the appointment and dismissal of staff with particular provisions relating to the statutory officers.

2.4 The Department for Communities and Local Government (DCLG) had cited issues of complexity and expense associated with the previous regime as the reasons for bringing forward this legislative change. The 2001 Regulations as amended by the 2015 Regulations, sought to introduce a new streamlined procedure while attempting to retain an independent check within the system by giving the 'Independent Persons' (IPs) appointed to support the Members' conduct framework a role in the disciplinary and dismissal process for these three officers.

2.5 The Council's Employment Rules were revised as part of the review of the Constitution in 2016, but they are silent as to the specific procedures which the Council will adopt if disciplinary action is to be taken against one of the Statutory Officers. Nor does the Constitution currently contain the "machinery" required to operate the new procedures. This is because there has been uncertainty as to how the legislation ought to be applied in practice.

2.6 The 2015 Regulations, as drafted, raised some fundamental questions about their scope, an apparent conflict with the Localism Act 2011 (see paras 5.12-5.13 below) and how, if at all, an appeal against a decision to dismiss could be incorporated into the new arrangements. Additional uncertainty was caused by the fact that the previous DIP process was embedded within the terms and conditions for Chief Executives as set out in the Joint Negotiating Committee (JNC) for Local Authority Chief Executives handbook. The latter only has contractual effect where an authority has agreed to be bound by JNC terms and conditions. Until October 2016, when the JNC issued a new handbook, there was a scenario where the contractual obligations owed under JNC terms required different steps to be taken to those set out in the new Regulations. The procedures proposed in this paper are largely modelled on what is contained in the new JNC handbook.

2.7 To try and resolve these issues discussions have taken place with other Monitoring Officers through the Kent Secretaries Group who have sought clarification from the Government as well as instructing Counsel on several key issues. The Group has now reached a Kent wide view on the most appropriate way to implement the new arrangements.

3.0 The New Process for Dismissal

3.1 The 2001 Regulations as amended by the 2015 Regulations replaced the previous Designated Independent Person (DIP) arrangements with a new system. There is now no requirement to appoint a DIP where disciplinary action against a Statutory Officer is being considered and instead full Council must approve the dismissal of any of the Statutory Officers (previously this had only applied to the Head of Paid Service).

3.2 The Regulations stipulate that the following procedure must be followed before a Statutory Officer can be dismissed: The Council must invite a number of independent persons ("IPs") to be appointed to a Panel. (These are the same independent persons who have been appointed to advise the Council on member conduct complaints under the Localism Act 2011.) The Council must appoint IPs who have accepted such an invitation to a Panel at least 20 days before the Council takes a decision to approve the dismissal of a Statutory Officer. Full Council must then meet and, before a vote is taken on whether or not to approve the proposed dismissal, it must take into account any advice, views or recommendations of the Panel as well as the

conclusions of any investigation and any representations made by the officer concerned.

3.3 The Ministry for Housing, Communities and Local Government (MHCLG) was asked if the new arrangements were limited to dismissal on conduct grounds or whether they also applied in cases of dismissal due to ill health or redundancy etc. MHCLG have clarified that the procedures set out in paragraph 3.2 only apply to dismissal on disciplinary grounds. However, if one of the Statutory Officers was to request that these procedures be invoked where dismissal was proposed on grounds other than conduct then it is considered such a request should be agreed to.

3.4 The The Local Authorities (Standing Orders) (England) Regulations 2001 define disciplinary action as follows: "*any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract;* "

4.0 The JNC for Local Authority Chief Executives Model Disciplinary Procedure for Disciplinary Action.

4.1 The JNC October 2016 handbook contains a model disciplinary procedure. Whilst this procedure only applies to those Heads of Paid Service who are subject to JNC terms and conditions, it is recommended that these procedures (in relation to disciplinary action) should be followed (with some minor deviations) and also applied to the other Statutory Officers too (i.e. to the Monitoring Officer and the Section 151 officer).

4.2 The main features of the JNC model procedure are:

a) That there should be a standing Investigation and Disciplinary Committee which oversees any disciplinary process and determines the outcome. (It is recommended that this role is carried out by a sub-committee of our General Purposes Committee)
b) That any disciplinary investigation should be carried out by an Independent Investigator.
c) That there should be a Disciplinary Appeals Committee to consider any appeal against a decision of the Investigation and Disciplinary Committee to take any disciplinary action short of dismissal. (It is recommended that this is a Council Committee of 5 members).

4.3 The model procedure suggests that any decision to suspend the Head of Paid Service should be made by a Committee, but that the power to make such a decision in urgent circumstances should be delegated to the Chairman of the Committee. However, this cannot lawfully be delegated to a single Member and as such is not recommended in this paper.

4.4 At present the Chief Executive and Directors have the power to discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedures. However, in keeping with the principle of a consistent application of the protections to all of the Statutory Officers, it was proposed by the Constitutional Review Working Party, that the Investigation and Disciplinary

Sub-Committee, formed from the General Purposes Committee had responsibility for deciding whether or not to suspend a Statutory Officer.

4.5 The model procedure says that any suspension of the Head of Paid Service (and so, by extension, the Monitoring Officer and S151 officer) is reviewed after a period of two months by a Committee. In doing so it should consult with the Independent Investigator and consider any representations from the officer concerned.

4.6 The model procedure makes provision for the Investigation and Disciplinary Committee and the Disciplinary Appeals Committee to include a Cabinet Member.

4.7 Amendments will be made to the Employment Rules to reflect the model procedure. The proposed amended Rules are attached as Annex 2.

4.8 The numbers on the General Purposes Committee will have to be increased from ten to twelve to allow an even split which complies with the proportionality rules.

5.0 Proposals for Change

a) Disciplinary action

5.1 The words "disciplinary action" in relation to a member of staff of a local authority has a specific meaning under the 2001 Regulations (set out earlier).

b) Investigation and Disciplinary Sub-Committee (formed from the General Purposes Committee)

5.2 The terms of reference of the Investigation and Disciplinary Sub-Committee (formed from half the members of the General Purposes Committee) need to include the power to decide whether any of the Statutory Officers should be suspended and to also determine whether any allegation against any of the Statutory Officers warrants investigation. It is recommended that when the Sub-Committee is exercising this power that, for consistency, unless a Member is unavoidably indisposed or conflicted, the same Members shall comprise the Sub-Committee until the matter has been dealt with fully. It is recommended that the same approach be applied to the Disciplinary Appeals Sub-Committee.

5.3 The Investigation and Disciplinary Sub-Committee would appoint an Independent Investigator. The Sub-Committee will consider any report of the Independent Investigator and, if appropriate conduct a hearing. The Sub-Committee may determine that no action should be taken, that some action short of dismissal should be taken, or propose that the officer should be dismissed.

5.4 If the action taken is short of dismissal the officer should have the right to appeal that decision.

5.5 If the Investigation and Disciplinary Sub-Committee recommends that the officer should be dismissed it will forward its proposal and the necessary information to the Independent Persons Panel. The Panel will consider the proposal and the necessary particulars and decide what advice, views or recommendations to make to full Council. Full Council will decide whether or not to dismiss the officer, having regard to

any advice, views or recommendations of the Panel, the conclusions of any investigation, and any representations from the officer.

c) Disciplinary Appeals Committee (formed from the General Purposes Committee)

5.6 It is proposed to set up a Disciplinary Appeals Committee formed from the other half of the members of the General Purposes Committee to determine any appeals by one of the statutory officers against a decision by the General Purposes Committee to take disciplinary action short of dismissal.

5.7 The new sub-committee clearly cannot comprise any of the members of the Investigation and Disciplinary Sub-Committee who originally heard the matter.

d) The Independent Persons Panel

5.8 It is recommended that a standing Independent Persons Panel should be established, comprising three Independent Persons (IPs) and a substitute IP, appointed in priority order in accordance with the Regulations. The Panel will be an advisory committee of the Council. The substitute would take the place of any IP who was unable to participate because he or she was not available at the time, or had a personal conflict of interest. The Council currently has two IPs. In line with the priority order set out in the 2015 Regulations the Council's two IPs would be invited to serve on the Panel first and then an invitation would be extended to an IP from another authority in Kent. It is recommended that the Committee Services Manager is authorised to make these invitations.

5.9 If a Council has fewer than two IPs, it must extend the invitation to one or more IPs from another authority. If more accept the invitation than are needed, then appointments must be made in the following priority order:

- An IP appointed by the Council who is on the electoral register in Thanet
- Any other IP appointed by the Council
- An IP who has been appointed by another authority

5.10 At least two of the IPs who have accepted the invitation must be appointed, but there is no upper limit. They can be paid an allowance or expenses, but no more than they would receive for their Localism Act work. The appointment must be made at least 20 days before the Council takes a decision to approve the dismissal of a Statutory Officer. At the full Council meeting, the authority must take into account any advice, views or recommendations of the Panel as well as the conclusions of any investigation and any representations made by the officer concerned.

5.11 The JNC for Local Authority Chief Executives (the JNC) has sought clarification from MHCLG on whether the Panel referred to above should be comprised solely of independent persons or whether it can, or should, also include elected members. MHCLG has indicated that the intention is that this Panel should consist solely of IPs "so that independent scrutiny can be attained before a full council takes the final decision on a dismissal motion". The proposal is therefore to follow that approach as this emphasises the independence of the Panel while still ensuring Member involvement at every other stage of the process.

5.12 One of the difficulties in implementing the amendments from the 2015 Regulations has been its apparent incompatibility with the Localism Act in relation to the appointment of independent persons. S. 28(8) of the Localism Act provides that any independent person appointed to provide a view on councillor conduct issues is ineligible to be appointed to this position if they are a voting co-opted member of a committee of the council (and/or hold such a position at any time during the 5 years ending with the appointment). However, an independent person appointed to an Independent Persons Panel under the 2015 Regulations will become a voting co-opted member of a committee of the council. The Council could decide not to give them a vote but that is not recommended as it is difficult to see how the Panel can come to a view on a matter if Panel Members do not have voting rights.

5.13 Counsel's advice it that, ultimately, the two pieces of legislation are not in irreconcilable conflict "because appointment to an IP (i.e. the Independent Persons Panel) cannot itself be regarded as disqualifying an Independent Person (IP) from being such on the basis that the very appointment makes them a co-opted member". An IP appointed under the Localism Act is not excluded from continuing in this role by virtue of being appointed as a voting member of the Independent Persons Panel as on that logic they would be prevented from serving on the Panel as they would no longer be an independent person.

5.14 The Kent Secretaries Group have agreed in principle reciprocal arrangements whereby each Council is able to invite the IP of another council in Kent to serve on the Independent Persons Panel. This proposal is being explored with the Independent Persons and contact is being made with the Chair of their Forum to seek their agreement to this reciprocal arrangement. Therefore it would be possible for the Independent Persons Panel to comprise one or more IPs from other authorities.

5.15 The proposed revised Terms of Reference for the General Purposes Committee and its new Sub-Committees, and the terms of reference for the Independent Persons Panel are attached at Annex 1.

6.0 Options

6.1 The Council could have the whole General Purposes Committee with the responsibility of the Investigation and Disciplinary Sub-Committee and establish a new standing Disciplinary Appeals Committee to carry out the appeal functions.

7.0 Advice and analysis

7.1 The model procedure adopts a balanced approach to the need to set up a new disciplinary process, which will ensure that the Council has a fair process which is unlikely to be susceptible to successful challenge. It has taken over a year for the JNC to reach agreement on this process. Any attempt to seek local agreement to a different process is likely to cause further delay and it may be difficult to reach agreement. Any alternative process would have to be fair and comply with employment law, so it would be unlikely to be radically different from the model procedure.

7.2 The protection rules which apply to the Statutory Officers are an important means of ensuring good governance and maintaining high standards of legal, ethical and

financial conduct and probity. The proposals in this report have been formulated in such a way that implements the 2001 Regulations as amended by the 2015 Regulations, maintains those protections and governance safeguards while also minimising the costs and risks to the Council.

7.3 A flowchart detailing the processes for dealing with allegations in relation to disciplinary matters relating to the Council's Statutory Officers is attached at Annex 3.

8.0 Independent Persons

8.1 The Independent Persons who will comprise the Independent Persons Panel are the same independent persons appointed by the Council to advise on councillor conduct matters.

8.2 A person may not be appointed as an Independent Person (i.e. to advise on councillor conduct issues) if that person:

(a) is a member, co-opted member or officer of the Council or a parish/town council in Thanet, or
(b) is a relative, or close friend of such a person, or
(c) has been a member, co-opted member or officer of the Council or a parish/town council in Thanet in the previous 5 years.

8.3 The Council must advertise any vacancies for an Independent Person and applicants must submit an application form before they can be appointed. Only Full Council can make the appointment, which must be approved by a majority of the Members of the Council.

9.0 Decision making in cases of a need to urgently suspend one of the statutory chief officers

9.1 Where there is a need to urgently suspend one of the Statutory Officers. The Investigation and Disciplinary Sub-Committee is given the power to suspend any of the Statutory Officers. Such a decision could not be lawfully delegated to the Chairman of the Committee or any other Member but there remains a gap where the seriousness of a situation meant there was an urgent need to suspend one of the officers and it was not feasible to wait until the statutory five days' notice of a public meeting had been given. This is particularly an issue in the case of the Head of Paid Service as it would be possible for them to be given the power to suspend the Monitoring Officer or the S.151 Officer in a situation of urgency.

9.2 It was therefore recommended to the Constitutional Review Working Party that the Chief Executive be given the explicit authority, following consultation with the Chairman of the General Purposes Committee where practicable, to suspend the Monitoring Officer or the S.151 Officer in cases of urgency. If agreed the following additional amendment to the Employment Rules is suggested:

"In cases of urgency the Head of Paid Service may suspend the Chief Finance Officer or the Monitoring Officer, following consultation with the Chairman of the General Purposes Committee where practicable whilst an investigation takes place into alleged misconduct. The Head of Paid Service shall, before deciding to suspend,

invite the officer to make representations unless it is impractical to do so. The General Purposes Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend".

9.2 This option of suspension was rejected by the Constitutional Review Working Party, since it did not provide equality amongst the three statutory officers. Instead it was felt that all three statutory officers should be subject to urgent suspension by the Investigation and Disciplinary Sub-Committee. This is described in 9.3 below.

9.3 If there was an urgent need to suspend the Head of Paid Service (or other statutory officer), the Council could in theory rely on an implicit power in the Local Government (Access to Information) Act 1985 to convene a meeting of a Committee (in this case the General Purposes Committee) by giving shorter notice than the prescribed 5 clear days. The Act does not specify in what circumstances this provision can be relied on and, as such, it is rarely invoked because of the risk of challenge. If this provision was to be used then the Council would need to be able to demonstrate that it had used this power reasonably and for good reasons. The view of the Monitoring Officer is that this is a power the Council could justify relying on in circumstances where there was an urgent need to suspend the Head of Paid Service, but it is not without a risk of challenge.

9.4 The issue of immediate suspension in execeptional circumstances was reviewed after the CRWP meeting and brought back to the Standards Committee on the 9 January 2020. It was explained that there were exceptional circumstances which may arise where the allegations of misconduct are such that an officer remaining present at work poses a serious risk to the investigation; or the health and safety of others; or the resources, information or reputation of the authority.

9.5 In those circumstances, it was recommended that authority be delegated to the Chief Executive (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to suspend the Monitoring Officer or Section 151 Officer where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council.

9.6 In order to maintain the principle of a consistent application of the protections to all of the Statutory Officers, it was recommended that a parallel authority was delegated authority to the Monitoring Officer (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to suspend the Chief Executive, where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council.

9.7 The proposed procedures require that any suspension must be reviewed every two months by the General Purposes Committee and, for those meetings, the usual period of notice (i.e. 5 clear days) would be given.

10.0 Views of the Constitutional Review Working Party

10.1 This report was reviewed by the Constitutional Review Working Party on 21 June. The changes suggested by the Constitutional Review Working Party have been included in this report.

10.2 The main changes were:

a. Increasing the membership of the Disciplinary Appeals Committee from three to five members
b. Making clear that the Disciplinary Appeals Committee and General Purposes Committee should contain a Cabinet Member
c. Clarity on the role of the Independent Investigator
d. That the Chief Executive should consult with the Chair of the General Purposes Committee before suspending the Chief Finance Officer or Monitoring Officer.

10.3 This report was reviewed by the Constitutional Review Working Party on the 21 June 2019 and the 21 November 2019. The principal changes proposed by the Working Party were:

a. To Create two sub-committees of the General Purposes Committee for initial hearings and appeals respectively.
b. To have all suspensions (including urgent suspensions) carried out by the Investigation and Disciplinary Sub-Committee.

11.0 Views of the Standards Committee

11.1 This report was reviewed by the Standards Committee on 27 June 2019. There were a number of typographical and other minor changes to clarify meaning, which have been incorporated into this report.

11.2 One particular point was raised under paragraph 3.3 above. This was whether the Council could invoke this process in respect of ill-health dismissal or redundancy? The MHCLG have already advised that it should only be used by the Council for dismissal on disciplinary grounds (whilst an officer could request it on other grounds for dismissal). This is because the Regulations are there as a ‘shield’ to protect the officer from arbitrary use of other powers to dismiss them, they aren't there as a ‘sword’ for the council to use at will in cases other than disciplinary dismissals. Therefore, the Council should only invoke this procedure for dismissal on disciplinary grounds.

11.3 This report was reviewed by the Standards Committee on the 9 January 2020, the Committee considered:

a. The inclusion of a delegation (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) for the immediate suspension of the Chief Executive, or Section 151 Officer or the Monitoring Officer where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council. The General Purposes Committee

shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend.

Officers believe that there remains a real need for a power to suspend immediately in urgent circumstances. This might include, for example where an officer has assaulted a member of staff or the officer is under the influence of drink or drugs. The recommendation for immediate suspension needs to be addressed and is included in the main recommendations.

b. The inclusion of a list of the 'Deputy Chief Officers' in the Officer Employment Procedure Rules

12.0 Withdrawal of the matter from Council on the 11 July 2019

12.1 Following the withdrawal of this report from Council on the 11 July 2019, the report was referred back to the Constitutional Review Working Party for greater clarity on the 'filter process' for referring allegations of alleged misconduct against the Chief Executive to the GPC.

12.2 Advice was sought from the Joint Secretaries of the JNC for Chief Executives on this point. Their advice was that the filter process should not involve substantive member involvement beyond the Chair of the IDC, as demonstrated in the JNC Handbook for Chief Executives. The handbook sets out a procedure where, in the case of the Chief Executive, the Monitoring Officer and the Chair of the IDC would oversee referrals to that committee.

Contact Officer:	Tim Howes, Director of Corporate Governance and Monitoring Officer
Reporting to:	Madeline Homer, Chief Executive

Annex List

Annex 1	(a) General Purposes Committee Amended Terms of Reference (b) Disciplinary Appeals Committee Terms of Reference (c) Independent Persons Panel Terms of Reference
Annex 2	Amended Employment Rules
Annex 3	Disciplinary process flow chart

Background Papers

Title	Details of where to access copy
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 The Local Authorities (Standing Orders) (England) Regulations 2001	http://www.legislation.gov.uk/uksi/2015/881/contents/made

Corporate Consultation

Finance	Chris Blundell, Head of Financial Services

Legal	Estelle Culligan, Head of Legal and Democratic Services