

BOROUGH OF KETTERING

Committee	STANDARDS ADVISORY COMMITTEE	Item A1	Page 1 of 3
Report Originator	Martin Hammond	<i>Fwd Plan Ref No:</i> -	
Wards Affected	n/a	29 th July 2019	
Title	STATUTORY OFFICERS' MODEL DISCIPLINARY PROCEDURE		

1. **PURPOSE OF REPORT**

To appoint persons to form an independent panel to deal with any disciplinary issues which affect any of the three statutory officers appointed by Kettering Borough Council

2. **INFORMATION**

- 2.1. In 2015, the Government brought in new regulations (the Local Authorities Standing Orders (England) (Amendment) Regulations) which amended an earlier set of rules governing statutory disciplinary and dismissal procedures for the three statutory officers – the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer. These officers have statutory protection because their role can be to challenge decisions made by elected members if they do not comply with the law.
- 2.2. At the time, these regulations lacked any precise details but local authorities were required to amend their constitutions to reflect the new rules. Council agreed, at its meeting on 15th July 2015, to delegate authority to the Head of Paid Service, in consultation with the Chair of the Employment Committee, to make any changes to the constitution that were required, once more detail had been published on the precise requirements of the new regime.
- 2.3. In essence the new rules changed the way in which disciplinary action should be instigated and conducted against a statutory officer and abolished the previous role of having a Designated Independent Person who would consider and advise on disciplinary matters.
- 2.4. The missing detail has since been supplied as a consequence of dialogue, since 2015, between the government, national employers and trade unions. This essentially requires Councils to appoint
- An Investigating and Disciplinary Committee
 - An Appeals Committee
 - An Independent Panel
 - An elected member with the power to suspend the Chief Executive (Head of Paid Service) immediately in an emergency.

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- 2.5. This report concerns the appointment of the independent panel.
- 2.6. The nature and function of the various bodies is set out below. There should be a standing committee which can consider allegations, and that body should seek the advice of an independent panel on the matter. The officer subject to proceedings can then appeal to an appeals panel, if so desired. There is also provision for the Council to appoint an independent investigator from a national panel to report to the Investigation and Disciplinary Committee on the allegations.

Requirement	Detail	Local Solution
An Investigating and Disciplinary Committee	<p>Politically balanced, including at least one cabinet member; ideally 5 members. Need to have named substitutes.</p> <p>Role is to consider allegations, whether or not to suspend the HPS, and to consider the report of the independent investigator</p> <p>Committee can be a pre-existing body which performs other functions.</p>	Employment Committee meets these criteria, although it has 6 members not 5.
An Appeals Committee	<p>Politically balanced, comprising five members not on the IDC, including at least one cabinet member.</p> <p>Function is to hear and determine appeals in cases resulting in action short of dismissal</p>	Membership would have to be assembled on a case by case basis.
An Independent Panel	<p>Function is to provide advice, views or recommendations before a statutory officer can be dismissed</p> <p>Should be at least two persons, drawn from the Council's pre-existing appointment of an Independent Person, appointees serving on Standards Committees, or an independent person appointed by another council.</p>	Two or more members drawn from the membership of the Standards Advisory Committee and/or the Independent Person would satisfy this criteria

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A named member with the power to suspend the HPS immediately in an emergency	Recommended to be the chair of the IDC above	Would therefore be the chair of the Employment Committee
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4. POLICY and RESOURCE IMPLICATIONS

- 4.1. Whilst these regulations describe a process for handling disciplinary cases against a statutory officer, they do not over-ride or change the provisions within individual contracts of employment or national terms and conditions.
- 4.2. In the hopefully unlikely event that a panel is needed, it will be important to provide training and support to panel members before they begin working on a case, so, subject to the views of the Committee, a training programme will be devised.

5. RECOMMENDATION

The Standards Advisory Committee is recommended to:-

- a) Agree the right number of persons to form an independent panel - two or three
- b) Identify whom it wishes to appoint to the panel from the current non-elected membership of the Committee, including the Independent Person.

Background Papers:

Letter from JNC for Chief Executives 7th May 2019
Report to full Council 15th July 2015
JNC Conditions of Service Handbook
KBC Constitution – section K

Previous Reports/Minutes:

n/a

Date: 3rd June 2019
Contact Officers: Martin Hammond.