

# FAREHAM

## BOROUGH COUNCIL

### Report to Council

Date: **14 May 2015**

Report of: **Head of Democratic Services**

Subject: **Revised Standing Orders With Respect to the Appointment,  
Dismissal and Discipline of Employees**

#### **SUMMARY**

This report provides details of recently introduced legislation which removes statutory protections afforded to the Head of Paid Service, Monitoring Officer and Chief Financial Officer

The report asks the Council to approve the required changes to Part 4: Section 2 of the Constitution - Standing Orders With Respect to the Appointment, Dismissal and Discipline of Employees.

#### **RECOMMENDATION**

That the Council notes the required amendments to the Standing Orders with Respect to the Appointment, Dismissal and Discipline of Employees and adopts the revised version, attached at Appendix A to the report.

## **INTRODUCTION**

1. The Government has very recently introduced revised secondary legislation to remove the statutory protections afforded to the Head of Paid Service, Monitoring Officer and Chief Financial Officer.
2. The revised Standing Order Regulations come into force on 11 May 2015.
3. Accordingly, the Council is now required to adopt the amendments to its Standing Orders.

## **BACKGROUND**

4. The most senior officers of a council i.e. the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer, have statutory responsibilities to discharge to the Council. As they work with and report to the elected members, they discharge these responsibilities in a political environment. As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations.
5. There have been for some time concerns that the DIP process in its application to councils is in practice complex and expensive. It has placed councils as the employer at a great disadvantage in comparison to the position of the employee, particularly given that the recommendation of the DIP must be followed.
6. The new Regulations simplify, as well as localise, the disciplinary process for the most senior officers by removing the bureaucratic and mandatory requirement that a DIP should be appointed. In place of the DIP process, the decision will be taken transparently by full Council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal or other disciplinary action, and any representations from the officer concerned. This means that councils can consider and decide the best disciplinary process that will deliver value for money for their local taxpayers, whilst retaining independent scrutiny.
7. In the case of a proposed disciplinary action against one of the most senior officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
8. The Regulations also make a provision limiting the remuneration that should be paid to independent persons on the panel to the level of the remuneration which they would normally receive as an independent person in the conduct regime.
9. The Regulations are to be given effect by councils modifying their standing orders. Provision is made for councils to make this modification no later than at the first council meeting held after the 7 May 2015 elections. To achieve this, the Regulations will be in effect from 11 May 2015.

## **PROPOSAL**

10. The Council is asked to adopt the revised Standing Orders With Respect to the Appointment, Dismissal and Discipline of Employees, as set out at Appendix A to the report.

### **Background Papers:**

None

### **Reference Papers:**

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

### **Enquiries:**

For further information on this report please contact Leigh Usher. (Ext 4553)