

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and the Responsible Financial Officer

Meeting/Date: Employment Panel: 17 June 2015
Corporate Governance Panel: 15 July 2015
Council: 29 July 2015

Executive Portfolio: Councillor Ablewhite

Report by: Lynsey Fulcher LGSS HR Business Partner

Executive Summary:

1. INTRODUCTION

This report sets out the changes to the statutory disciplinary and dismissal procedures applying to English local authorities' heads of paid service, monitoring officers and chief financial officers, under which a new process will replace the current statutory Designated Independent Person (DIP) process, outlined in the current Local Authorities (Standing Orders) (England) regulations 2001.

The new regulations require authorities to put in place the necessary standing orders in respect of the new process "no later than the first ordinary meeting of the authority falling after 11th May 2015". This report will therefore be presented to the Huntingdonshire District Council Employment Panel in June, followed by the Corporate Governance Panel on 15th July and finally Council on the 29th July 2015.

2. BACKGROUND

The key feature of the new process is that the requirement for a Designated Independent Person is removed, and instead protected officers will not, in most cases, be able to be dismissed unless the dismissal has been approved by full Council by way of a vote. The previous rules are revoked entirely. The new rules do the following:

- They remove the role of the designated independent person.
- They apply only to the dismissal of the head of paid service, responsible financial officer and monitoring officer and not to disciplinary action short of dismissal.
- They remove the restriction on suspension of these officers during investigation of misconduct.
- They extend the provision that only full Council can dismiss the head of paid service to include the dismissal of the head of paid service and monitoring officer.

- They state that, before Council considers whether to dismiss these officers, it must convene a panel made up of councillors and at least two “independent persons”. These are the same independent persons appointed under the Localism Act to advise on standards issues. If the Council cannot recruit two independent persons to the panel it has appointed, it may invite independent persons appointed by another council.
- The Council can appoint more than two independent persons to a panel and there are no rules on the number of councillors on the panel.

In accordance with the new regulations, and to incorporate the requirements of the new Local Authorities (Standing Orders) (England) (Amendment) regulations 2015, changes to the relevant section of the Constitution have been amended and shown in Appendix 1.

The Disciplinary Procedures have also been amended and these are attached at Appendix 2.

3. OPTIONS CONSIDERED/IMPLICATIONS

- 3.1 The changes to the Council’s Employment Procedure Rules are mandatory. The Council has a power to require attendance by more than two “independent persons” at meetings.
- 3.2 The rules still provide greater protection for the three “statutory officers” than for other employees. The justification for this (as set out in the Explanatory Memorandum) is that these officers have statutory duties that they must discharge personally but within a political environment. The intention is to ensure that these officers can discharge their duties without any fear of being influenced by elected members and being dismissed without good reason.

4. RECOMMENDATION

The Panels are invited to consider the amendments to the statutory dismissal procedures and Disciplinary Policy and to formally recommend their adoption by the Council with any amendments that the Panel’s may wish to make.

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