

**Appendix 1 – Changes to the Constitution.**  
Changes highlighted in ***bold italics***

**PART FOUR – RULES OF PROCEDURE**  
**OFFICER EMPLOYMENT PROCEDURE RULES**

**A. RECRUITMENT AND APPOINTMENT** – no changes proposed.

**B. DISCIPLINARY ACTION**

**1. Head of Paid Service, Monitoring Officer and Chief Finance Officer**

Disciplinary action in respect of the Head of Paid Service, Monitoring Officer and Responsible Finance Officer may be taken only by the full Council or a panel of the Council appointed for that purpose in accordance with the Council's disciplinary policy and procedure and their terms and conditions of employment. No disciplinary action, other than suspension, may be taken except after consideration of a recommendation in a report made by a designated independent ***panel*** under Regulation 7 of the Local Authorities (Standing Orders) (England) (***Amendment***) Regulations ***2015*** (investigation of alleged misconduct).

An officer may be suspended by the Council or panel for the purpose of investigating alleged misconduct but the suspension must be on full pay and of no more than two months duration.

**2. Other Chief Officers and Heads of Service**

Disciplinary action against other Chief Officers and Heads of Service (with the exception of those to which paragraph B1 applies) shall be dealt with under the Council's disciplinary policy and procedures and their terms and conditions of service. In the case of suspension, such action may be taken by the Senior Officers Panel.

**3. Other Employees**

Disciplinary action in respect of other employees may be taken in accordance with the Council's disciplinary procedure and rules adopted by the Employment Panel but such action may not involve councillors, other than as a member of an Appeals Sub-Group as provided for in the disciplinary procedure rules.

**C. DISMISSAL**

**1. Head of Paid Service ***Monitoring Officer and Responsible Finance Officer*****

The full Council must approve the dismissal of the Head of Paid Service, ***Monitoring Officer and Responsible Finance Officer*** following the recommendation of such a dismissal by ***the independent panel*** of the Council appointed for that purpose. That panel must include at least one member of the Cabinet.

**2. Other Chief Officers and Heads of Service**

A panel of the Council appointed for that purpose may approve the dismissal of a Chief Officer or Head of Service (***not included in section C1 above***) or their equivalent. That panel must include at least one member of the Cabinet.

### **3. Other Employees**

The dismissal of other employees below heads of service level is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

### **4. Cabinet Notification**

A notice of the dismissal of a Chief Officer, *Monitoring Officer, Responsible Finance Officer* or head of service shall not be made by the Council or panel (as appropriate) until –

- (i) the Council or panel has supplied the Head of Paid Service with details of the proposed dismissal;
- (ii) the Head of Paid Service has supplied members of the Cabinet with details of the proposed dismissal and allowed a period for objection to the dismissal by the Executive Leader on behalf of the Cabinet; and
- (iii) the Executive Leader has informed the Head of Paid Service that there is no objection to the dismissal, such objection has not been received within the requisite period or the Council or panel (as appropriate) is satisfied that any objection is not material or well-founded.

## **D. APPEALS**

An appeal by any employee against any disciplinary action or dismissal by the Council, a panel or the Head of Paid Service or his/her nominee may be heard by an Appeals Panel comprising the Managing Director, the Corporate Director or Head of Service excluding the Corporate Director or Head of Service in whose Service the employee was employed at the time of his/her dismissal and a representative of the Staff Council but not from the Division from which the employee is employed convened by the Elections and Democratic Services Manager under the Council's disciplinary procedure rules.

## **E. SUPPLEMENTARY**

In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Corporate Director (Services) & Monitoring Officer, *paying regard to the recommendations made by the independent panel.*

## **F. THE INDEPENDENT PANEL**

*The panel as described in the above Rules should be comprised of at least two independent persons and must include at least one member of the Cabinet. The panel membership must be agreed 20 working days prior to a meeting and will be arranged by the Corporate Director (Services) or in the case of any action against that officer, by the Deputy Monitoring Officer.*

### **Terms of reference for the Panel**

- i) *To investigate proposed disciplinary action against a Chief Officer, Monitoring Officer or Responsible Finance Officer.*
- ii) *To offer advice, views or recommendations to Council on the proposed course of action, including any proposal for dismissal.*