

Appendix One

EMPLOYMENT STANDING ORDERS

3. Dismissing the Chief Executive, Directors and Heads of Service

3.1 The Chief Executive, Section 151 Officer and Monitoring Officer are dismissed by Council following a report and recommendation from the Chief Officers' Disciplinary Panel Committee, unless the reason for dismissal is ill health retirement or redundancy in which case the decision to dismiss is determined by the Chief Officers Disciplinary Panel Committee. The Panel Committee must be politically proportionate and include the relevant Cabinet member but the majority of members cannot be Cabinet members.

3.2 When dealing with cases of misconduct by the Chief Executive Section 151 Officer or Monitoring Officer the Committee is required to appoint an independent investigator to investigate any allegations of misconduct if matters are not capable of being resolved by mutual agreement, or an informal warning. Following receipt of the investigation report the Committee must consider any representations from the officer and decide what recommendation to make to Council. If the recommendation is to dismiss the officer the Committee must convene an Independent Advisory Panel to review the situation and prepare a report for Council taking into account the procedures recommended by the Joint Negotiating Council for Chief Executives. Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, the authority must take into account,—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

3.3 The Assistant Chief Executive, Directors and Assistant Directors are dismissed by the Chief Officers' Disciplinary Panel, which must be politically proportionate and include at least one Member of the Cabinet but the majority of members should not be Cabinet members.

3.4 Before a dismissal, the Assistant Director for Human Resources and Organisational Development must tell the Cabinet whom the Panel wants to dismiss and anything else which is relevant to the dismissal.

3.5 The dismissal can go ahead if the Cabinet agrees or if it makes no objection by a deadline set by the Assistant Director for Human Resources and Organisational Development or if the Chief Officers' Investigating Panel does not consider any objection relevant or justified.

Appendix Two

CHIEF OFFICER APPOINTMENTS, APPEALS and DISCIPLINARY PANELS COMMITTEES

I. FUNCTIONS

1.1 Undertaking the selection process for the appointment, and formulating recommendations to the Council in relation to:

- the appointment and dismissal of the Head of the Paid Service;
- the designation of an officer to act as Monitoring Officer and Responsible Finance Officer (Section 151 Officer);
- the appointment/dismissal of Monitoring Officer and Responsible Finance Officer;

in accordance with legislation, Council policies, conditions of service and the appropriate procedures set out in the employment standing orders;

1.2 Undertaking the selection, appointment and dismissal processes for any staff where so required by law;

(It should be noted that the Chief Executive as head of paid service, or a person nominated by him, has powers to appoint all other staff).

1.3. Hearing and determining any appeals by staff under the Council's approved Human Resources policies and procedures including through any appointed Sub-Committee.

1.4 Determining terms and conditions for staff employed on the NJC terms and conditions for Chief Officers.

2. PROCEDURES

2.1 The ~~Panels~~ Committees shall be politically balanced and include the relevant Cabinet member when required. The majority of members on the Panel cannot be members of the Cabinet.

2.2 When acting as a Disciplinary Panel in respect of the Chief Executive or Section 151 Officer or Monitoring Officer, the Committee is required to appoint an independent investigator to investigate any allegations of misconduct if matters are not capable of being resolved by mutual agreement, or an informal warning. Following receipt of the investigation report the Committee will consider any representations from the officer and decide what recommendation to make to Council.

2.3 If the recommendation is to dismiss the officer for reasons other than ill health retirement or redundancy, the Committee it will appoint an Independent Advisory Panel which will include as a minimum two Designated Independent Persons to prepare a report for Council in accordance with the requirements of the Local Authorities (Standing Orders)

(England) (Amendment) Regulations 2015 regulations. A decision about dismissal will then be taken by Council.

2.4 A Committee which hears an appeal will not include members of the Committee which made the original decision.

Appointment of substitute members

2.3 Any member of the Council may act as substitute on a Committee provided that they have completed the Council's relevant human resources training/ briefing.

3. GENERAL

The Committees are convened from time to time as required by the Strategic Director for Transformation and Change.