

Committee:	Date:
Establishment Committee	9 June 2016
Subject: Revised Disciplinary and Dismissal Procedure for the Head of Paid Service, Monitoring Officer and Chief Financial Officer	Public
Report of: Director of Human Resources	For Decision
Report author: Tracey Jansen, Town Clerk's Human Resources	

Summary

This report presents a revised disciplinary and dismissal procedure for the Head of Paid Service (the Town Clerk and Chief Executive), Monitoring Officer (the Comptroller and City Solicitor) and Chief Financial Officer (the Chamberlain), to comply with the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015. Members are asked to approve the new procedure, which will apply with immediate effect.

Recommendation

Members are asked approve the revised Disciplinary Procedure for the Town Clerk and Chief Executive, the Comptroller and City Solicitor and the Chamberlain, as set out at Appendix 1.

Main Report

Background

1. The Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015 (the 2015 Regulations) made changes to the dismissal procedure for the Head of Paid Service, Monitoring Officer and Chief Financial Officer (the Relevant Officers). The 2015 Regulations require that the Court of Common Council as the 'relevant body' must approve dismissal of any of the Relevant Officers by way of a vote at a meeting of the Authority provided it takes into account:
 - any advice, views or recommendations of a Panel
 - the conclusions of any investigation
 - any representations from the Relevant Officer concerned
2. Dismissal for the purposes of the 2015 Regulations does not include redundancy, permanent ill health or infirmity of mind or body and does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract. It does include conduct and capability dismissals.

3. The implementation of the 2015 Regulations necessitate changes to the current disciplinary procedure for the three Relevant Officers. The basic principles and governance arrangements have been agreed in earlier reports to this Committee and were referred to the Finance Committee and Policy and Resources Committee as the Appointing Committees for the Relevant Officers.
4. The Policy and Resources Committee agreed in February 2016 to recommend to the Court of Common Council the creation of a Statutory Officer Review panel to comply with the requirements of the 2015 Regulations.
5. A revision is required to Standing Order 63 to reflect the implementation of the 2015 Regulations. The Policy and Resources Committee agreed to delegate authority to approve this amendment to Standing Orders to the Town Clerk (in consultation with the Chairman and Deputy Chairman of that Committee). This process to exercise this delegated authority has now been started.
6. A report referring to the matters set out in the preceding two paragraphs will be submitted to the Court of Common Council for approval in June 2016. The delay in presenting these reports to Court of Common Council following consideration by the Policy and Resources Committee was due to it being felt to be preferable to wait until the revised Disciplinary Procedure for the Relevant Officers had been proposed.

Current Position

7. The revised disciplinary procedure attached at Appendix 1 reflects the 2015 Regulations and governance arrangements that have been considered and agreed in earlier reports. The opportunity has been taken to draw on current best practice and to reflect the revised Managing People Policy and Disciplinary Procedure that apply to all staff as far as possible.
8. The three Relevant Officers have been consulted about the revised procedure and have not raised any objections or suggested amendments. It is therefore proposed that, subject to this Committee's approval, the new disciplinary procedure is implemented with immediate effect.

Options

9. Whilst the 2015 Regulations have set out some specific requirements, earlier reports to this Committee and the relevant Appointing Committees have considered and agreed how the City Corporation will operate the governance arrangements and these have been incorporated in the revised disciplinary procedure.

Corporate & Strategic Implications

10. The 2015 Regulations have reduced the statutory requirements in relation to Relevant Officer disciplinary matters. This is in line with the City Corporation's HR Strategy to simplify and standardise HR policies and procedures. The 2015 Regulations have given us the opportunity to review the current procedure that

apply to the Relevant Officers and to bring these in line with our Managing People standards and principles whilst at the same time ensuring compliance with the new statutory requirements.

Conclusion

11. There is requirement to comply with the new 2015 Regulations in relation to the Statutory Dismissal Procedure for the Head of Paid Service, Monitoring Officer and Chief Financial Officer. The revised disciplinary procedure incorporates the statutory changes, revised local governance arrangements and updates the procedure to bring it in line with best practice.

Appendices

Appendix 1 – Disciplinary Procedure in relation to Relevant Officers

Background Papers

Amendments to Standing Orders - Report of the Town Clerk May 28 May 2015
Statutory Dismissal Procedure - Reports of the Director of Human Resources 10 December 2015 and 4 February 2016.

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