

NORTH LINCOLNSHIRE COUNCIL

Council

**Governance arrangements for employment procedures concerning Statutory
Officers**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek approval of the terms of reference of the Appointment and Employment Committee and the revised Appeals Committee's terms of reference as detailed in Appendix 1.
- 1.2 To authorise amendment of the Constitution to take into account the changes recommended in this report.

2. BACKGROUND INFORMATION

- 2.1 The Local Authorities (Standing Orders) (England) Regulations 2001 specifies the employment procedures that must be applied to the Head of Paid Service, Chief Finance Officer and Monitoring Officer (Statutory Governance Officers). These procedures are detailed in the Council's existing arrangements.
- 2.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 amended the statutory processes, introducing a series of procedural safeguards relating to the disciplinary process for Statutory Governance Officers.
- 2.3 The Joint Negotiating Committee (JNC) has recently issued national guidance on the application of these Regulations and set out a model procedure in its Conditions of Service Handbook reflecting the key requirements of the Regulations.
- 2.4 The guidance sets out the role and procedural requirements of an Investigation and Disciplinary Committee, an Independent Persons Panel and an Appeals Committee in the discharge of the Regulations. These requirements can be incorporated into the Council's existing governance arrangements by updating the terms of reference of the Appointment and Employment Committee and Appeals Committee, and by empowering the former to convene an Investigatory and

Disciplinary Sub-Committee when necessary. The revised terms of reference are at Appendix 1.

3. OPTIONS FOR CONSIDERATION

3.1 That Council approves the terms of reference of the Appointment and Employment Committee and the revised Appeals Committee's terms of reference as detailed in Appendix 1.

3.2 That Council does not approve the terms of reference of the Appointment and Employment Committee and the revised Appeals Committee's terms of reference as detailed in Appendix 1.

4. ANALYSIS OF OPTIONS

4.1 Adopting the option in paragraph 3.1 and approving the revisions detailed in Appendix 1, will ensure that the Council's procedures accord with the guidance issued by the JNC and reflect best practice.

4.2 Adopting the option in paragraph 3.2 and not approving the revisions detailed in Appendix 1, will mean that the Council's current procedures do not accord with the guidance issued by the JNC or reflect best practice and may heighten the risk of legal challenge should the Regulations ever have to be invoked.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 No significant financial implications have been identified as a result of this report. The proposals detailed in this report follow legal and HR advice.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 The proposals detailed in this report will ensure that employment arrangements relating to Statutory Governance Officers are effective and in accordance with best practice thereby helping maintain a safe organisation.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 An integrated impact assessment is not required to support this report.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 No conflicts of interest have been identified or declared as a result of this report.

9. **RECOMMENDATIONS**

That:

9.1 Council approves the revised terms of reference for the Appointment and Employment Committee and Appeals Committee as detailed in Appendix 1; and

9.2 The Constitution be amended to reflect the changes detailed in this report.

DIRECTOR OF GOVERNANCE AND PARTNERSHIPS

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Background Papers used in the preparation of this report: JNC for Chief Executives of local authorities' guidance note, 7 May 2019.
The Local Authorities (Standing Orders) (England) Regulations 2001
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Appendix 1

APPOINTMENT AND EMPLOYMENT COMMITTEE – TERMS OF REFERENCE

Delegated

- a) To consider the appointment of the Chief Officers and the Monitoring Officer, as defined in the Constitution, and in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001, as amended
- b) To convene an Investigatory and Disciplinary Sub-Committee to consider allegations concerning the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers)
- c) To consider the dismissal and suspension of the Statutory Governance Officers as defined above, any suspension to be reviewed at a frequency determined by the Committee
- d) Where dismissal of a Statutory Governance Officer is recommended following a hearing by the Investigation and Disciplinary Committee, to appoint an Independent Panel to consider proposals and offer recommendations to Council on the dismissal of the Statutory Governance Officer, such Independent Panel to comprise of two independent persons who have been appointed under section 28(7) Localism Act 2011.

MEMBERSHIP

This Committee is accountable to Council, has 5 members and is politically balanced. One place is reserved for a member of the Executive.

INVESTIGATORY AND DISCIPLINARY SUB-COMMITTEE

Delegated

- a) To consider allegations against the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers) in accordance with Local Authorities (Standing Orders) (England) Regulations 2001, as amended.
- b) To determine whether an allegation against a Statutory Governance Officer can be dealt with through informal resolution, or whether such allegation requires further investigation or other appropriate action through some other procedure.

- c) To give informal, unrecorded warnings in situations where it is decided no formal action is required.
- d) To appoint an Independent Investigator (II) to investigate any disciplinary matter concerning the Statutory Governance Officers, and commission report(s) from the II.
- e) To hear allegations, consider the recommendations from the II, consider the views of the Statutory Governance Officer, and determine what action(s) short of dismissal should be imposed.
- f) To make recommendations regarding the suspension of a Statutory Governance Officer

MEMBERSHIP

3 Members of the Appointment and Employments Committee (politically balanced).

APPEALS COMMITTEE - TERMS OF REFERENCE

Delegated

To hear and make decisions in respect of:-

- (a) grading and re-grading;
- (b) grievances and dignity at work;
- (c) disciplinary matters;
- (d) dismissals on grounds of redundancy, capability or some other substantial reason.
- (e) appeals by the Head of Paid Service, Chief Finance Officer or Monitoring Officer (Statutory Governance Officers) against actions short of dismissal imposed by the Investigation and Disciplinary Sub Committee and to consider whether to uphold the original decision, impose lesser sanctions than those already imposed, or remove all sanctions imposed.

Membership

3 members of the Council (politically balanced).

Delegations

Authority is delegated to the Director: Governance and Partnerships in consultation with any three members of the Committee (including at least one member from the opposition group) to take decisions on procedural matters in respect of matters referred to the Committee prior to the meeting of the Committee. If the appeal concerns the Director: Governance and Partnerships and/or an employee within that service area this delegation shall be exercised by the Chief Executive, or the Deputy Chief Executive