

4.9: OFFICER EMPLOYMENT PROCEDURE RULES

9. DISCIPLINARY ACTION

9.1 Suspension. The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer ~~(a Relevant Officer may)~~ may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

9.2 ~~Independent Person.~~ Investigatory Committee. No other disciplinary action may be taken in respect of any Relevant Officer ~~of these~~ officers except in accordance with a recommendation in a report made by ~~a designated independent person~~ the Investigatory Committee.

9.3 Where it appears to the Council that an allegation of misconduct by a Relevant Officer:

~~(a) the Head of Paid Service;~~

~~(b) the Monitoring Officer; or~~

~~(c) the Chief Finance Officer~~

requires to be investigated, the ~~Council must appoint a person~~ (“~~the designated independent person~~”) to Investigatory Committee will arrange for an carry out the investigation into the allegation to be carried out on its behalf. Such investigation may be conducted either by:

a) An officer of the District Council ;or

b) A suitably qualified external person or body

~~9.4 The designated independent person must be such a person as may be agreed between the Council and the relevant officer, or in default of such agreement, nominated by the Secretary of State.~~

9.54 In the course of the investigation the ~~designated independent~~ Investigatory Committee ~~person~~ may direct:

98.45.1 that the Council terminate any suspension of the relevant officer where its enquiries reveal no gross misconduct;

98.45.2 that any such suspension must continue beyond the two month period in 8.1;

98.45.3 that the terms on which any such suspension has taken place must be varied in accordance with the direction; or

- ~~98.45.4~~ that no steps (whether by the Council or any Committee, Subcommittee or officer acting on behalf of the Council) towards disciplinary action or further disciplinary action against the relevant officer ~~_, other than steps taken in the presence, or with the agreement of, the designated independent person~~ are to be taken before a report is made under ~~98.8~~ below.
- ~~9.56~~ The ~~designated independent person~~Investigatory ~~may~~Committee or a person acting on their behalf may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has the power to authorise ~~him or her~~them to inspect.
- ~~9.67~~ The ~~designated independent person~~Investigatory ~~may~~Committee or a person acting on their behalf may require any member of the Council's staff to answer questions concerning the conduct of the Relevant Officer.
- ~~9.78~~ Unless they have previously directed that the suspension be terminated and the officer reinstated, ~~the designated independent person~~Investigatory ~~must~~Committee must make a report to the Council:
- ~~98.7.1~~ stating ~~his/her~~the ~~opinion~~committee's opinion as to whether (and if so, the extent to which) the evidence ~~he or she~~the ~~has~~committee has obtained supports any allegation of misconduct against the relevant officer; and
- ~~98.87.2~~ recommending any disciplinary action (including the proposed dismissal of the Relevant Officer) which appears to ~~him/her~~the ~~to~~committee to be appropriate for the Council to take against the relevant officer.
- ~~9.89~~ The ~~designated independent person~~Investigatory ~~must~~Committee must, no later than the time at which they make a report under ~~98.8~~ above to the Council, send a copy of the report to the relevant officer.
- ~~9.10~~ ~~The Council must pay reasonable remuneration to a designated independent person and any costs incurred by him/her, or in connection with, the discharge of his/her functions.~~
- ~~9.9~~ Before the taking of a vote at a meeting to consider whether or not to approve a proposal to dismiss a relevant officer the Council must take into account, in particular:
- a) any advice, views or recommendations of the Investigatory Committee
 - b) the conclusions of any investigation into the proposed dismissal; and
 - c) any representations from the relevant officer ~~relevant meeting~~

9.104 Members of the Council will not be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to members in respect of disciplinary action.

10. DISMISSAL

10.1 Members of the Council will ~~not~~ be involved in the dismissal an officer who is a of any officer below deputy chief officer or above.

Statutory Officers

The decision to dismiss a Statutory Officer (Head of Paid Service, Monitoring Officer and Section 151 Officer) is reserved to Council.

10.2 Non-statutory Chief officers and Deputy Chief officers

Where a ~~Board~~, Committee or officer ("the dismissor") proposes to dismiss:

~~(i) the Head of Paid Service;~~

~~(ii) a statutory chief officer;~~

(iii) a non-statutory chief officer or,

(iv) a deputy chief officer

(a) Notice of dismissal must not be given until the dismissor has notified the Head of Paid Service (or where the officer to be dismissed is the Head of Paid Service, the Monitoring Officer) of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and

(b) The Head of the Paid Service, or as the case may be, the Monitoring Officer, has notified every member of the Cabinet of:

(i) The name of the person whom the dismissor wishes to dismiss;

(ii) Any other particulars relevant to the dismissal which the dismissor has notified; and

(iii) The period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Paid Service/Monitoring Officer; and

(c) Either:

- (i) The Leader has within the period specified in the notice under 109.2. b) above notified the dismissor that neither he nor she nor any other member of the Cabinet has any objection to the dismissal;
- (ii) The Head of Paid Service/Monitoring Officer has notified the dismissor that no objection was received by him or her within that period from the Cabinet;

Or:

- (i) The dismissor is satisfied that any objection received from the Cabinet within that period is not material or is not well founded.
- (d) The dismissal of staff below the position of Deputy Chief Officer is reserved to the Head of Paid Service