

Audit and Standards Committee – Monday 29 June 2015

Proposed Changes to the Constitution – New Regulatory Requirements re Procedure for Discipline or Dismissal of Head of Paid Service, Monitoring Officer and Chief Financial Officer

1. Recommendation:

- 1.1 That the committee note the current position relating to the requirements to amend the County Council's Officer Employment Procedure Rules
- 1.2 That if the incompatibility is resolved in time to meet the 23 July 2015 full council date a report is taken after consultation with the chairman of this committee.

Report of the Head of Law and the Head of Human Resources

2. Background

2.1 Under the current Constitution, the procedure for the dismissal or discipline of the Head of Paid Service, Monitoring Officer and Chief Financial Officer ('Relevant Officers') is for a Special Committee to consider a report by a Designated Independent Person [DIP] and, in the case of dismissal, to then make a recommendation to Full Council for approval before the dismissal notice can be served.

2.2 On 11 May 2015 new regulations came into effect which replaced the requirement to have a report by a DIP with the need to have a Panel (Committee) which includes in its membership at least 2 Independent Persons appointed by the Authority under the Localism Act 2011. These are Independent Persons who currently have a role to advise the Monitoring Officer on complaints against members ('Standards complaints'). The County Council currently has 2 such persons.

2.3 The Regulations specifically require that the first 'ordinary' meeting of the authority falling after the 11 May 2015 (i.e. the Council meeting of 23 July) must incorporate into, (or modify) its Standing Orders the new requirements in relation to Independent Persons' involvement in arrangements for disciplinary action against relevant officers.

2.4 At the time of submitting this report the County Council's Head of Human Resources and Head of Law are awaiting clarification on how to overcome the difficulties that these new requirements are at odds with the nationally negotiated terms and conditions of employment for these Officers. It is anticipated that this will be resolved in time for a substantive recommendation to change the constitution to be put to the County Council meeting on 23 July. We would propose that any recommendation is shared with the Chairman of this committee in advance of providing the same to full council

Appendix 1

1.0. Equalities Implications

1.1 None

2.0. Legal Implications

2.1 The amendment to the Constitution is required under Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

3.0 Resource and Value for Money Implications

3.1. There are no resource or value for money implications from this change to the Constitution.

4.0 Risk Implications

4.1. Whilst failure to comply with the time limits in the new regulations creates a risk of challenge both Legal and HR services are focused on ensuring that the Constitution may be amended in a way that is compatible with employment contracts and avoid issues in future disciplinary proceedings, should they become necessary.

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