

**To: Council**

**Date: 20 July 2015**

**Report of: Head of Business Improvement**

**Title of Report: Arrangements for disciplinary action against Statutory Officers**

## **Summary and Recommendations**

**Purpose of report:** This report recommends that the contractual arrangements for disciplinary action against the statutory officers are not changed by the new statutory provisions set out in the Local Authorities (Standing Orders)(England)(Amendment) Regulations (“the Regulations”) which came into effect on 11<sup>th</sup> May 2015.

**Policy Framework:** N/A

**Recommendations:** Council is RECOMMENDED to agree:-

1. that contractual arrangements are made in respect of an Independent Person to investigate any allegations of a disciplinary nature against the Statutory Officers; and
2. delegate authority to the Head of Law and Governance to make the necessary amendments to the Constitution.

## **Background**

1. Special statutory arrangements for disciplinary action against the Council’s statutory officers have been in place for some years in recognition of the sensitivity of their roles in a political environment. The current legislation provides that no disciplinary action in respect of a “protected officer” (Head of Paid Service, Monitoring Officer or Chief Finance Officer) can take place other than in accordance with a recommendation in a report by a Designated Independent Person (DIP) following an investigation by the DIP.
2. This is reflected in the Council’s Constitution which provides (at Para 20.4) “The Chief Executive, Chief Finance Officer and Monitoring Officer can only be disciplined if an investigator recommends it”.
3. The Local Authorities (Standing Orders) (England) (Amendment) Regulations (the Regulations) were made on 25 March 2015 and came into force on 11 May 2015. These regulations change the statutory protection afforded to these officers. In future dismissal of a statutory officer cannot take place until Independent Persons have been consulted and the Council has considered the matter.

4. The Council is required to incorporate the requirements of the Regulations into its standing orders (the Officer Employment Rules within the Constitution) at the first ordinary meeting of the Council after 11th May 2015. In Oxford's case this means that in order to comply with the Regulations these amendments will need to be made at the Council meeting on 20<sup>th</sup> July 2015. A report appears elsewhere on the agenda.

**Proposal**

12. It is proposed that contractual provision is made in the terms and conditions of employment for the Chief Executive, Chief Finance Officer and the Monitoring Officer for the appointment of an independent person to investigate any allegations of a disciplinary nature against them.

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**Background papers: none**