

Minute Extract and Recommendation from Staffing Committee - 22 November 2016

Statutory Officer Panel Terms of Reference (Disciplinary Investigation Process for the Chief Executive and Statutory Officers)

(Note: The Chief Executive and Monitoring Officer were not present for this item.)

Members considered a report by the Head of Human Resources (HR) and Organisational Development (OD) which outlined the current process and arrangements for dismissal of the Chief Executive and Statutory Officers and highlighted the statutory underpinning of the procedure currently in place, which included seeking the advice of an independent panel.

The HR and OD Service Manager advised members that the proposal was to align with the model procedure which had now been incorporated into the Chief Executive Officers terms and conditions handbook by the Joint Negotiating Committee (JNC) whereby elected members would no longer sit on the Independent Panel. The other elements of the DCC procedure would remain unchanged; the Staffing Committee would sit as a hearing panel, it would then pass to an independent panel for a view and the final decision to dismiss would be made by the full County Council.

One member felt further information was needed on this proposal. He felt the report did not identify exactly how the progression of evidence was gathered and did not see the necessity for the change. He highlighted areas where he felt more detail was needed and suggested that the Audit and Governance Committee also had sight of this proposed change. He was concerned there were too many assumptions and opinions made with a lack of evidence trail and felt he report should be deferred to allow for further additions and concerns.

The Chairman felt it was important to add that the Independent Panel was just one part of the process and was not about removing elected members from the process. This represented a very small change to the process and was being made to ensure the County Council was in line with the recommendations of the JNC and confirmed that the fundamental process had not changed. It was important to note that ultimately all decisions would be made by elected members.

The Vice Chairman felt the changes gave strength to any Chief Executive who found they were being pursued politically to remove them from post.

One member suggested it would be helpful to have the advice from the JNC appended to the report when it was presented to the full Council.

On being put to the vote Cllr Peter Richardson requested that his vote against the proposal be recorded. He added that he did not feel the Independent Panel would be improved by the exclusion of elected members.

Resolved

That the advice from the JNC be appended to the report in readiness for County Council.

RECOMMENDED

That the County Council, following the Audit and Governance Committee meeting, be asked to approve the terms of reference for the Statutory Officer Panel so that the Panel comprised independent persons only.

Reason for recommendation

The Staffing Committee would deal with issues relating to disciplinary action or capability in respect of the Chief Executive, Directors, Statutory Officers and Heads of Service. In light of the recommendation independent persons would play an advisory roles but any decision to dismiss would still be one for the County Council.