



General Purposes Committee
12 December 2022

Report from Head of Paid Service

Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer

Wards Affected:	N/A
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	N/A
No. of Appendices:	One Appendix A – Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer.
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Debra Norman Corporate Director, Governance Debra.norman@brent.gov.uk

1.0 Purpose of the Report

This report seeks approval from the Committee to make changes to the council's Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer following amendments issued by the Joint Negotiating Committee for Local Authority Chief Executives to the Conditions of Service Handbook.

2.0 Recommendations

2.1 To the approve the revised Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer in Appendix 1.

3.0 Detail

3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) made changes to matters relating to the dismissal of three statutory Officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer. The intention of this provision is to ensure that these officers can discharge their duties without any fear of being unduly influenced or being dismissed without good reason. The changes required amendments to the constitution and the establishment of a process at the Council, which encompassed the new procedures and clarified which officers/committees would be responsible at any stage of the process if required. The process adopted was amended in 2019 following recommendations in the Joint Negotiating Committee Chief Executive's Handbook concerning delegated authority to suspend the Chief Executive should this be necessary.

3.4 The Handbook has recently been further amended and changes are proposed to the council's procedures to reflect changes made in respect of:

- providing for informal preliminary enquiries when a complaint is received;
- clarifying when a matter may be reported to this committee;
- providing for an agreed termination of an employee's employment.

3.5 The proposed amendments are set out in Appendix 1.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Legal Implications

5.1 These are set out in the body of the report.

6.0 Diversity Implications

6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.

6.3 The amendment to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer proposed in the report does not have any equalities implications. Any specific equalities implications will be considered at the time of any future use of the procedures.

7.0 Consultation with Ward Members and Stakeholders

7.1 None.

8. Human Resources/Property Implications (if appropriate)

8.1. The proposed changes to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer will ensure that should the need to use these procedures arise there will be improved clarity in respect of preliminary enquiries, referral to committee and potential settlement.

Background Papers

None

Report sign off:

Debra Norman

Corporate Director, Governance