

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING - 26th JUNE 2013

**DELEGATION OF POWERS TO THE HEAD OF PAID SERVICE -
DISCIPLINARY POLICY AND PROCEDURES
FOR CHIEF OFFICERS**

REFERENCE FROM THE HUMAN RESOURCES COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 To propose the delegation to the Head of Paid Service of certain powers and functions allocated to the Chief Executive for the purposes of the Disciplinary Policy and Procedures for Chief Officers.

2. RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE

- 2.1 That the Council be recommended to delegate to the Head of Paid Service power to exercise the functions of the Chief Executive for the purposes of the agreed Disciplinary Policy and Procedures for Chief Officers.

3. BACKGROUND

- 3.1 The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') require a specific procedure for the determination of disciplinary/capability issues in respect of certain statutory Chief Officer posts. Under this procedure disciplinary/capability allegations are referred to a Designated Independent Person (DIP).
- 3.2 The Council on 18th June 2012 adopted a revised Disciplinary Policy and Procedure for the Chief Executive, the Chief Finance Officer and the Monitoring Officer, the provisions of which are consistent with the requirements of the 2001 Regulations. The Policy and Procedure is an ancillary document to the Council's Constitution. The policy does not form part of the officers' contract of employment and may be varied or revoked by the Council at any time. A separate disciplinary procedure applies in respect of other Chief Officers, consistent with that set out in the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities.

4. PROPOSALS OF THE HUMAN RESOURCES COMMITTEE

- 4.1 The Human Resources Committee on 26th February 2013 considered certain matters subject to the disciplinary policy and procedure, pursuant to a Council motion of 11th July 2012.
- 4.2 The Committee noted that delay had occurred in the consideration of those matters, in part because the disciplinary policy and procedure allocates certain functions to the Chief Executive and that post was currently vacant. The Council had decided not to fill the post of Chief Executive until October 2014 and the Committee therefore proposed that to avoid delay in any future cases, the Head of Paid Service should be allocated the powers of the Chief Executive for the purposes of the Disciplinary Policy and Procedure.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 The Local Authorities (Standing Orders) (England) Regulations 2001 set out appointment and dismissal procedures that apply to all Chief Officer and Deputy Chief Officer posts, and a Designated Independent Person (DIP) procedure that applies to the Head of Paid Service, Monitoring Officer and Chief Finance Officer only. Any disciplinary policy and procedure adopted by the Council in respect of Chief Officers must meet the requirements set out both in those Regulations and in any nationally agreed conditions of service (JNC for Chief Executive or JNC for Chief Officers as the case may be).
- 5.2 The JNC for Chief Executive provides a useful commentary and guidance notes on how to operate the DIP procedures and in particular what constitutes an 'allegation' which requires investigation. The Council's policy is our locally agreed mechanism by which that 'filter' can be applied.
- 5.3 The Disciplinary Policy and Procedure must also comply with the principles of natural justice and good management practice, and full regard must be had to the principles and standards of the ACAS code of Discipline and Grievance.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications arising directly from the recommendation of the Human Resources Committee.

Local Government Act, 2000 (Section 97)

List of "Background Papers" used in the preparation of this report

Local Authorities (Standing Orders) (England) Regulations
2001
JNC Conditions

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