

ROTHERHAM BOROUGH COUNCIL

1.	Meeting:	Senior Officers Independent Disciplinary Panel
2.	Date:	28 th July, 2015
3.	Title:	Establishment of the Senior Officers Independent Disciplinary Panel and Terms of Reference
4.	Directorate:	Resources

5. Summary

This report explains the requirement for a Panel and asks the Panel to agree Terms of Reference for the panel.

6. Recommendations

That the Panel notes the report, and agrees Terms of Reference for the Panel.

7. Proposals and Details

The Local Government and Housing Act requires local authorities to designate one of their officers as the 'head of paid service' and one of their officers as 'monitoring officer'. Section 151 of the Local Government Act 1972 requires authorities to have an officer with responsibility for financial administration, commonly known as the Section 151 officer.

Section 28(6) of the Localism Act 2011 (the Act) requires local authorities to have in place arrangements under which allegations against any of these three officers can be investigated and decided upon. Until recently, the authority was required to appoint a designated independent person (DIP) whose views were to be sought and taken into account by the Authority before it makes a decision. In practice it was the DIP who carried out the investigation and made recommendations.

The Secretary of State has now issued new regulations which have the effect of removing the requirement for a DIP and replace it with a requirement that the disciplinary processes for the three officers will be transparent and any decision to dismiss is taken by Full Council

Council must consider any advice, views or recommendations from the Independent Panel, the conclusions of any investigation into any allegations and any representations from the Officer concerned.

The Council, at its meeting on 3rd June 2015 decided to establish the Senior Officers Independent Panel and the Panel is now requested to consider and approve the terms of reference for the Panel.

Terms of Reference.

It is suggested that the Panel consider the following terms of reference for the Panel.

'These terms of reference apply to Disciplinary Matters relating to the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (the Officers).

When any disciplinary matters arise in relation to the Officers the matter will be referred to the Senior Officers Disciplinary Panel.

However in relation to the Chief Finance Officer and Monitoring Officer, it is suggested that the Head of Paid Service have the power in consultation with the chair of the panel to suspend these officers, subject to confirmation of the decision by the panel within twenty one days.

The Panel will have the following powers:

- i) To decide whether to suspend the Officer in question in accordance with that Officer's contractual rights.
- ii) Where appropriate, to undertake an investigation or arrange for an investigation to be undertaken into any allegations made against the Officer.
- iii) To consider the conclusions of any report or investigation relating to the allegations.
- iv) To decide if any action short of dismissal should be taken against the Officer.
- v) To decide whether to recommend to Council that the Officer be dismissed.
- vi) To arrange for a report to be submitted to Council outlining the reasons for the recommendation.'

8. Finance

If an external investigation is commissioned, this would incur expenditure for the investigator. If an internal investigation is required the cost would be in office time.

9. Risks and Uncertainties.

The Regulations have not been tested in the Court and may be in conflict with the Officers contractual rights. The Officers affected will be consulted upon any necessary change to their contracts.

Even though the Regulations remove the need for a DIP, they do not remove the requirement to inform all cabinet members of the intention to dismiss and for the Council to ensure that there are no well- founded objections from any cabinet members to the decision.

10. Policy and Performance Agenda Implications

The Regulations are statutory and are therefore the Council is legally obliged to introduce their provisions.

11. Background Papers and consultation

The legislative framework documents and advice notes.
Consultation will be undertaken with the Officers concerned.

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