

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Senior Officers Independent Disciplinary Panel
2.	Date:	10 th September 2015
3.	Title:	Procedure for Hearings of the Panel
4.	Directorate:	Resources and Transformation

5. Summary

- 5.1 This report clarifies some issues raised at the previous meeting of the Panel and suggests the procedure to be adopted for hearings of the Panel.

6. Recommendations

- 6.1 That the Panel notes the report and considers the suggested procedure for any hearings of the Panel.
- 6.2 That the terms of reference be amended to make clear that the Panel has the power to suspend the Head of Paid Service.

7. Proposals and Details

- 7.1 The Panel, at its last meeting, agreed the following terms reference for the Panel.
- 7.1.1 '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.
- 7.1.2 However in relation to the Chief Finance Officer and Monitoring Officer, the Head of Paid Service has 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.
- 7.2 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.

7.3 However certain issues were outstanding and this report provides further clarity.

7.3.1 The Panel queried who had the power to suspend the Head of Paid Service and it was agreed that the Panel be responsible for his/her suspension if appropriate.

7.3.2 The Panel is constituted as a committee of the Council and as such is subject to rules of political proportionality. In practice this means that the Panel will have a total membership of 7 comprising 2 Independent Persons, 4 Labour and UKIP.

7.3.3 As the Independent Persons have voting rights they are considered to be co-opted members of the Council and will be required to complete the register of members interests and abide by the members code of conduct.

7.3.4 The Panel, at its previous meeting raised the issue of when the statutory officers would be able to make representations and it is suggested that the Panel should hear the representations before making any recommendations to Council. This is reflected in the suggested procedure at **Appendix A**.

8. Finance

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

9. Risks and Uncertainties.

9.1 These are new regulations and may be tested in the Courts in due course. They may also be in conflict with the relevant officers contractual rights. The officers affected are being consulted in relation to any necessary changes to their contracts of employment.

10. Policy and Performance Agenda Implications

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

11. Background Papers and consultation

11.1 The legislative framework documents and guidance.

11.2 Consultation is being undertaken with the officers concerned.

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