

Appendix 1

RULE 8 OFFICER EMPLOYMENT PROCEDURE RULES

6. DISCIPLINARY ACTION

- 6.1 **Suspension** – the Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and **will usually** last no longer than two months.
- 6.2 ~~Independent Person – no other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~
- 6.3 National conditions of service as supplemented by agreed local arrangements shall apply to all disciplinary actions.
- 6.4 Councillors will not be involved in the disciplinary action against any officers below Heads of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. DISMISSAL

- 7.1 Councillors will not be involved in the dismissal of any officer below head of service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- 7.2 In this section-
- “**relevant officer**” shall mean the Head of Paid Service, Monitoring Officer and Chief Finance Officer, as the case may be;
 - “**Independent Person**” means a person appointed under section 28(7) of the Localism Act 2011;
 - “**local government elector**” means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
 - “**members**” means current Fenland District Councillors;
 - “**the panel**” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;

“relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer;

“relevant independent person” means any independent person who has been appointed by the Council.

(a) A relevant officer may not be dismissed by the Council unless the procedure set out below is complied with -

- The Monitoring Officer, or other relevant officer or the Deputy Monitoring Officer as appropriate, must invite 2 relevant independent persons to be appointed to a panel. In addition the panel will consist of 5 other Councillors to be nominated by Group Leaders in accordance with the requirements of political proportionality.
- The Monitoring Officer, or other relevant officer or Deputy Monitoring Officer, will appoint to the panel such relevant independent persons as necessary in accordance with the following priority order –
 - (i) A relevant independent person who has been appointed by the Council and who is a local government elector.
 - (ii) Any other relevant independent person who has been appointed by the Council.
 - (iii) A relevant independent person who has been appointed by another council or councils.
- The Monitoring Officer, or other relevant officer or the Deputy Monitoring Officer as appropriate, must appoint the panel at least 20 working days before the relevant meeting.
- Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account-
 - (i) any advice, views or recommendations of the panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.

(b) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the Localism Act 2011.