

REGULATORY COMMITTEE

12th June 2002

Revision of Staffing Procedures for Staff Below Deputy Chief Officer Level

1. This report advises Members of the need to change staffing procedures for staff below deputy chief officer level as a result of requirements introduced by the Local Authorities (Standing Orders) Regulations 2001, as incorporated in Part 4 of the Council's Constitution and called the Officer Employment Procedure Rules.
2. In December 2001 Members were informed of changes introduced by the above Regulations in relation to the appointment, discipline and dismissal of senior officers.
3. Following a further review of the Officer Employment Procedure Rules it has become clear that the appointment, discipline and dismissal of staff below the level of deputy chief officer must be dealt with by the Head of Paid Service or by his nominee.
4. This applies not only to dismissals under the Council's Disciplinary Procedure but also to other dismissals such as redundancy, capability, ill-health and dismissals in the interests of the efficiency of the service. Redundancy and ill-health dismissals have normally been considered by Members. As the law now stands they are the responsibility of the Head of Paid Service or his nominated officer.
5. The law allows Members to consider any appeal against dismissal or disciplinary action by the Head of Paid Service.
6. Members should note, therefore, that in future such decisions will be made at officer level with a right of appeal to Members. It is proposed that the existing Appeals Panel, which was set up by the Regulatory Committee, in December 2001 is used to hear any appeal.
7. The Council's Disciplinary and Capability Procedures are being amended to reflect these requirements. The relevant trade unions will be advised of the new arrangements.

8. It is necessary as a consequence of this to review the delegation of the exercise of discretion under the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2000 Regulations, which provide for the enhancement of pension benefits in cases of redundancy or retirement in the interests of the efficiency of the service. Currently these decisions are made by the Regulatory Committee as part of the decision to terminate employment.
9. It is proposed that in future the exercise of discretion under these regulations is delegated to the Head of Paid Service or his nominee so that this can be considered as part of the arrangements for the termination of employment.
10. The Head of Paid Service or his nominee will exercise his discretion in accordance with the Council's existing policy. Any proposed departure from the policy will be referred to the Regulatory Committee.
11. It may be appropriate to review the arrangements for the appointment and dismissal of senior officers to ensure that decisions are made at the appropriate level, within the framework set down by the Officer Employment Procedure Rules. A further report will be submitted to Members in due course.

Recommendation

12. The Committee is asked to:

- a. note the changes to current staffing procedures in relation to officers below the level of deputy chief officer resulting from the Officer Employment Procedure Rules.
- b. delegate to the Head of Paid Service or his nominee the power to determine the level of any enhancement of pension benefits under the Local Government (Early Termination of Employment) (Discretionary Compensation)(England and Wales) Regulations in accordance with the existing policy.
- c. note that any appeal against dismissal or disciplinary action by the Head of Paid Service will be dealt with by the Appeals Panel of the Regulatory Committee.
- d. note that a further report will be submitted following a review of the arrangements for the appointment and dismissal of senior officers.

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Unpublished documents relied upon in the preparation of this report: NONE
Environmental impact of the recommendations contained in this report: NONE