

Report of	Meeting	Date
Deputy Chief Executive Introduced by (Executive Member (Resources)	Council	Tuesday 28 January 2025

Adoption of Model Procedures

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To adopt model procedures to deal with any grievance or disciplinary action in relation to the Chief Executive and Chief Officers of the Council and to agree that the Council's Constitution be amended to incorporate those procedures.

Recommendations

2. That the model procedures for dealing with grievance procedures and disciplinary action be adopted as set out in the Joint Negotiating Committee for Local Authority Chief Executives Conditions of Service and the Joint Negotiating Committee Chief Officer Conditions of Service.
3. That the Committees and Panels which are required to be established when dealing with grievance and disciplinary action, be established and appointed as set out in paragraph 8 of the report.
4. That the Officer Employment Procedure Rules contained in Appendix 3 Part C of the Constitution be amended accordingly to incorporate these changes.

Reasons for recommendations

5. The Constitution of the Council should be regularly reviewed to ensure that it is up to date and follows model procedures and best practice guidance. The current version of the Constitution does not currently reflect the national model procedures and this report seeks to address that, and to ensure that appropriate procedures are implemented.

Other options considered and rejected

6. No other options have been considered, as the recommended procedures are national model procedures.

Corporate priorities

7. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

8. The Constitution contains officer employment procedure rules, and this includes specific reference to the appointment of Chief Officers, including the three statutory officer pots which are the Head of Paid Service (Chief Executive); the Section 151 Officer; and the Monitoring Officer of the Council. These procedure rules do not currently provide any procedure for dealing with grievance and disciplinary action and this report seeks to address that, and ensure appropriate procedures are in place.
9. These procedures were used in Chorley Council in 2017 to support processes at this time, however, were unfortunately not subsequently embedded in the Constitution. This report seeks to rectify this.

Joint Negotiating Committee for Chief Executives and Chief Officers

10. The Joint Negotiating Committee (JNC) for Chief Executives sets out the agreed conditions of employment of Chief Executives and the JNC for Chief Officers similarly includes procedures for the Section 151 Officer and the Monitoring Officer roles as well as other Chief Officers. There are certain legal requirements in addition to existing employment procedures which act as a degree of protection for statutory officers from unwarranted political interference and these are contained within the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).
11. In dealing with either disciplinary or grievance procedures it is necessary to establish panels or committees to deal with the investigation and disciplinary processes, any grievance procedures and any subsequent appeal process. The legislation also requires the involvement of independent persons, who are non-elected persons appointed by the Council to consider Councillor conduct cases.
12. Set out in the table below are the bodies that need to be constituted to consider grievance and disciplinary procedures; the requirements of those bodies; and their role or broad terms of reference. These bodies only need to be established as and when required and so the suggestion is that membership be drawn from existing relevant bodies - as set out below in red. This is the current arrangement should an Appeals Panel for example, be required to hear an appeal against dismissal from an employee below chief officer level.

Committee	Requirements	Role
<p>Investigation and Disciplinary Committee (IDC)</p> <p>It is suggested that a Committee of 5 councillors, politically balanced, be drawn from the membership of the current Shared Services Appointments Panel as and when required</p>	<ul style="list-style-type: none"> • Politically balanced • Include at least one member of the Executive Member 	<ul style="list-style-type: none"> • Consider matters about the Chief Executive and other statutory officers' performance and/or conduct that may require investigation • Consider whether the suspension of the Chief Executive is appropriate • Consider the case and decide whether no further formal action is taken, or refer to an independent investigator • Appoint the independent investigator (including agreeing remuneration) • Consider report of the independent investigator • Inform the Proper Officer if proposing to the council to dismiss • Review any suspension after two months
<p>Appeals Committee</p> <p>It is suggested that a Committee of 3 councillors, politically balanced be drawn from the membership of the current HR Appeals Committee, as and when required</p>	<ul style="list-style-type: none"> • Politically balanced • Must include at least one member of the Executive • Should not include members of the IDC above 	<ul style="list-style-type: none"> • Hear appeals against action short of dismissal • Potential to also act as appeal committee for grievances
<p>Independent Panel</p> <p>It is suggested that Independent persons can be drawn from the database</p>	<ul style="list-style-type: none"> • At least 2 independent persons 	<ul style="list-style-type: none"> • Consider proposals of the IDC to dismiss, alongside the independent investigator's report

held by Legal Services or from other district councils in Lancashire.		and other necessary material <ul style="list-style-type: none"> • Offer advice, views or recommendations to the council on the proposal to dismiss
<p>Grievance Committee</p> <p>It is suggested that a Committee of 3 other Councillors (not involved in any Appeals Committee relating to the same case) and politically balanced be drawn from the membership of the current HR Appeals Committee, as and when required.</p>	<ul style="list-style-type: none"> • 3 to 5 members • Politically balanced • Not members of the IDC or Appeal Committee 	<ul style="list-style-type: none"> • To hear grievance cases and reach a conclusion

13. Members are asked to adopt model procedures and agree the recommendations set out above.

Climate change and air quality

14. This report has no impact on the council's carbon emissions and the wider climate emergency and sustainability targets of the council

Equality and diversity

15. The implications of this report are to ensure that there are equitable procedures for all of the Council's workforce, regardless of their seniority.

Risk

16. There are no identified risks, the implications of the report are that the Council has procedures that are consistent with the model procedures.

Comments of the Statutory Finance Officer

17. There are no direct financial implications arising from this report.

Comments of the Monitoring Officer

18. The report supports the wider programme of work of updating the Council's Constitution.

Background documents

[JNC for Local Authority Chief Officers National Handbook and Conditions of Service](#)

Report Author:	Email:	Telephone:	Date:
Sarah Bullock (Deputy Chief Executive)	sarah.bullock@chorley.gov.uk	01772625392	15/01/2025