

## **Annex 2: Detailed constitutional changes required as a result of new procedure**

### **4. Suspension (Page 9)**

The Chief Executive is the Head of Paid Service and normally bears the delegated responsibility for implementing Council policy on staffing matters. However, when it is the Chief Executive who is the subject of an allegation or investigation, the Council needs to be clear about who has the power to suspend the Chief Executive and in what circumstances. **This has been captured in the delegation to the RIC and the Officer Delegation scheme both set out in the Council's Constitution**

The Director of People and Policy, in consultation with the Chair of the Council has the delegated **power to suspend a Relevant Officer immediately**

### **6. Considering the allegations or other issues under investigation (Page 12 onwards)**

#### **6.2.7 Power to agree financial settlements**

When considering its delegation of power, the Council must include consideration of which Committee or Office holder has the authority to negotiate a settlement and a process by which any settlement would be sanctioned including liaison with the external auditor. **It is anticipated that under these circumstances the RIC would authorise the Director of People and Policy to negotiate a settlement in consultation with the RIC but the final decision would be made by the RIC.**

#### **6.2.8 Access to appropriate professional / independent advice**

- (a) Investigating allegations or serious issues involving a Relevant Officer can be demanding on the individuals involved. The RIC (and the Employment Committee for any appeal and the Council) will have access to the Council's Officers but given the closeness of relationships between the Relevant Officer and other Senior Officers this can be a difficult time for those required to advise the RIC, to conduct investigations internally, or to source advice from outside the Council.
- (b) **The Council has given the RIC the power to appoint external advisers as appropriate.** Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from ALACE. In addition to this general advice and assistance, given the potential complexity of the issue, the Council may choose to obtain external legal advice in consultation with the Head of Legal his/her deputy.

### **10 Action short of dismissal (Page 21)**

Where the decision taken by the RIC is action short of dismissal, the action will be taken by the RIC itself. There is no requirement to seek confirmation by a meeting of the Council. **The Constitution of the Committee includes the delegated power to take disciplinary action in these circumstances.**

## Annex 3: Amendments to the RIC Terms of Reference and the Scheme of Delegation to Officers

Page 66 of the Constitution

### 2.27 RE-STRUCTURING IMPLEMENTATION COMMITTEE

#### 2.27.1 Committee Scope

To determine all necessary arrangements for implementing the indicative senior management structure.

#### 2.27.2 Functions

To decide on numbers of 1st and 2nd Tier officers and the span of work responsibility allocations for those officers.

To determine appointments to or dismissal from the posts of Director and other JNC Officers reporting to the Chief Executive, or Head of Paid Service, subject to there being no objection to the appointment / dismissal being lodged by the Leader of the Council.

To recommend to the Council the appointment or dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer in accordance with the Statutory Officers disciplinary process including the power to suspend a Statutory Officer and appoint external advisors as appropriate.

To take any disciplinary action short of dismissal in respect of a Statutory Officer in accordance with the Statutory Officers disciplinary process

Approving any special severance cases for any employee above £20,000 up to a maximum of £100,000. Approving all voluntary redundancy and flexible retirement cases for any employee that are in excess of £100,000 on total costs including redundancy, pay in lieu of notice, holiday pay and pension costs. Compulsory redundancy cases in excess of £100,000 do not require approval of the RIC, but a note will be shared at the next available meeting for information, or communicated to RIC Members if no meeting is scheduled.

#### 2.27.3 Composition

The Committee shall comprise one Member from each political group (by convention, this is the Group Leaders).

Page 79 of the Constitution

### DIRECTOR OF PEOPLE & POLICY

To approve any special severance cases up to a maximum of £20,000 in accordance with the Council's published guidance for severance payments. (insert Link to Library)

To suspend a Statutory Officer and if necessary to suspend a Statutory Officer immediately in accordance with the Statutory Officers disciplinary process. (insert Link to Library). The exercise of the power of suspension to be subject to consultation with the Chair of Council