

11. SENIOR APPOINTMENTS AND DISCIPLINARY COMMITTEE AND TERMS OF REFERENCE

Purpose

- 11.1 The Senior Appointments and Disciplinary Committee (the Committee) is established by the Council under the Local Government Act 1972 to discharge the Council's functions in relation to the Council's statutory and senior officers as set out in the table below at paragraph 11.6 and make recommendations to Council as required.
- 11.2 The Senior Appointments and Disciplinary Committee may appoint a sub-committee drawn from its members to discharge any of its functions.
- 11.3 The Senior Appointments and Disciplinary Committee and any sub-committee it appoints shall have regard to the Committee Procedure Rules set out above under Section 2, the Staff Employment Procedure Rules set out under Part 7 of this Constitution, all other applicable rules set out under this Constitution and all applicable law.
- 11.4 The membership, chair and quorum requirements for the Senior Appointments and Disciplinary Committee are as set out below in the table below.

Membership, Chair and Quorum

Number of Members	7
Substitute Members Permitted	Yes, subject to completing any required training
Political Proportionality Rules Apply	Yes
Restrictions on Membership	At least one Cabinet Member must be a Member of the Senior Appointments and Disciplinary Committee
Restrictions on Chair and Vice Chair	Must be a member of the Committee (not a substitute)
Quorum for Meetings	¼ of total membership subject to a minimum of 3 members
Number of ordinary Meetings Per Council Year	As required
Standing Sub-committee	No

Appointment, Dismissal and Disciplinary Action

11.5 The function of the appointment, taking disciplinary action against and dismissal of an officer of the Council must be discharged by the Chief Executive (as the Council's Head of Paid Service) or by their nominated officers.

11.6 However, this shall not apply to the appointment, disciplinary action or dismissal in relation to the Statutory Officers detailed in the below table. The appointment or dismissal or disciplinary action in respect of the Statutory Officers are functions of the Senior Appointments and Disciplinary Committee.

Statutory Officer	Post
Head of Paid Service (s4 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> Chief Executive
Statutory Chief Officer (s2 (6) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> Director of Adult Social Services Director of Children's Services Director of Public Health Chief Finance Officer (s151 Officer)
Non-Statutory Chief Officer (s2 (7) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> Monitoring Officer Executive Directors All other non-clerical posts reporting to the Chief Executive and those for whom Chief Executive is directly responsible
Deputy Chief Officer (s2 (8) Local Government and Housing Act 1989)	<ul style="list-style-type: none"> All non-clerical posts reporting directly or is directly accountable to a Statutory or Non-Statutory Chief Officer
Officers appointed under s9 Local Government and Housing Act 1989)	<ul style="list-style-type: none"> Political assistants (where appointed)

Recruitment

11.7 Where the Council proposes to appoint the Head of Paid Service or senior officer listed above and it is not proposed that the appointment be made exclusively from among their existing officers, the committee will:

- (a) Draw up a statement specifying:
 - (i) The duties of the Head of Paid Service or senior officer concerned; and
 - (ii) Any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for:
 - (i) The post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (ii) A copy of the statement to be sent to any person on request.

Appointments

- 11.8 To undertake the selection process and interviews candidates shortlisted for any of the above posts (bar Political Assistants). offers of appointments will also be made (subject to the Executive objections procedure (see below)) for all of the above posts save the Chief Executive which must be recommended to Council for approval.

Disciplinary Action, Grievance or Dismissal

- 11.9 To determine all disciplinary action relating to any of the posts listed above (bar Political Assistants).
- 11.10 To dismiss any of the posts listed above (subject to the Executive objections procedure (see below)) save the Chief Executive, S151 Officer and Monitoring Officer which must be recommended to Council for approval.
- 11.11 To determine grievance appeals submitted by any of the above listed officers.

Suspension Head of Paid Service and Chief Officers

- 11.12 To suspend or review an earlier suspension decision taken by the Chief Executive or Monitoring Officer whilst an investigation takes place into alleged misconduct.

Appointment of an Independent Panel

- 11.13 To appoint an Independent Panel in accordance with the Local Authorities (Standing orders) (England) Regulations 2001 as amended where the dismissal of the Head of paid Service, s151 and Monitoring Officer is to be recommended to Council.

The Executive Objective Procedure

- 11.14 Where the Committee makes a decision to appoint or dismiss a Statutory or Non-Statutory Chief Officer or Deputy Chief Officer post, the Executive objection Procedure must be followed before an offer of employment can be made or notice of dismissal given.
- 11.15 The Proper Officer will inform the Leader and all Cabinet members about the proposed appointment or dismissal in writing, including:
- (a) The name of the person who it is proposed to appoint or dismiss;

- (b) Any other particulars relevant to the appointment or dismissal which have been notified to the Proper Officer;
 - (c) That objections to the appointment or dismissal must be received by the Leader within two clear working days for notification to the Proper Officer.
- 11.16 The appointment or dismissal can only be made if:
- (a) The Leader has, within the period of two clear working days, notified the Proper Officer that neither they nor any Cabinet member has any objection to the appointment or dismissal; or
 - (b) The Proper Officer has notified the Senior Appointments and Disciplinary Committee that no objection was received by them from the Leader within that time period; or
 - (c) An objection is received within that time period and is considered by the Senior Appointments and Disciplinary Committee not to be material or well founded.
- 11.17 If the Senior Appointments and Disciplinary Committee, with the advice of the Chief Executive or Monitoring Officer, considers an objection to be material or well founded, they may reconsider their decision to appoint or dismiss.

Independent Panel

Terms of Reference

- 11.18 To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so, the Independent Panel will consider:
- (a) The recommendation of the Committee and the reasons in support of that recommendation;
 - (b) The report of the independent investigator; and
 - (c) Any oral and/or written representations from the officer.
- 11.19 A minimum of two Independent Persons must be invited to be appointed to the Panel in the following priority order:
- (a) The relevant Independent Person who has been appointed by the Council and who is a local government elector;
 - (b) Any other relevant Independent Person who has been appointed by the Council; and
 - (c) A relevant Independent Person who has been appointed by another local authority or local authorities.
- 11.20 The Committee must appoint the Independent Panel at least twenty clear working days before the Council meeting at which any vote is taken in whether or not to approve the dismissal of the officer.