

Joint Negotiating Committee for Chief Executives of local authorities

**To: Chief Executives in England (Wales and N Ireland for information)
(copies for Monitoring Officer and HR Director)
Regional Directors
Members of the Joint Negotiating Committee**

7 May 2019

Dear Chief Executive,

Structures required to manage model disciplinary procedure

As Councils enter a new civic year and will be making appointments to various committees, we write to remind colleagues of the requirements set out in the *Model Disciplinary Procedure and Guidance* in the JNC [Conditions of Service Handbook](#).

There have been instances in recent months of some councils not having the appropriate structures and standing committees in place in order that potential disciplinary issues can be quickly considered.

It is imperative that all councils in England should establish:

- An Investigating and Disciplinary Committee (IDC) (see JNC Handbook para 1.2.2)
- An Appeals Committee (see para 1.2.3)
- An Independent Panel (see para 1.2.4)
- An elected member with the designated power to suspend the Chief Executive immediately in an emergency (see para 3)

The JNC provides training for elected members and for members of the independent panel. For further details please contact adam.barker@local.gov.uk

In England, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and in Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for chief executives against unwarranted political interference in their role as heads of paid service of local authorities.

In England, the Regulations require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract.

In Wales, the regulations require that a Designated Independent Person is required to investigate and make a recommendation in the event of disciplinary action being taken

against the chief executive on the grounds of misconduct or if there is any other proposal to dismiss the chief executive for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract.

The considerations and the management of these different types of disciplinary action and potential dismissal therefore will vary.

Yours faithfully,

Simon Pannell

Ian Miller

Joint Secretaries

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