




Haringey Council

Report for:	Staffing & Remuneration Committee	Item Number:	
Title:	Removal of the Designated Independent Person requirement for the dismissal of the Head of Paid Service, the Monitoring Officer and Chief Finance Officer		
Report Authorised by:	Jacquie McGeachie, Interim AD HR 		
Lead Officer:	Carole Engwell, HR Quality Assurance Manager		
Ward(s) affected:	None	Report for Key/Non Key Decisions:	Non-key

1. Describe the issue under consideration

- 1.1** The Government has recently issued an amendment to the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. The new regulation Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015.
- 1.2** The changes have been detailed in a report submitted to the Standards Committee on 12 May 2015 and in line with the amended Regulations, the changes will be referred to Full Council for noting and decision.
- 1.3** The Council's Constitutional standing orders will be amended to reflect the updated legislation.

2 Recommendations

- 2.1** That the Staffing & Remuneration Committee notes the legislative changes required and the recommendations outlined below.

3 Alternative options considered



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- 3.1** None. The changes are a legal requirement and there are no alternative courses of action.

4 Background Information

- 4.1** The most senior officers of the Council, namely the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer have statutory responsibilities to discharge to the Council. As they work with and report to the elected Members, they discharge these responsibilities in a political environment. As a result, statutory protection requiring the appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these officers was introduced in the Local Authorities (Standing Orders) (England) Regulations 2001. The intention of this provision was to ensure these officers could discharge their duties without fear of being influenced by elected Members and being dismissed without good reason.
- 4.2** The 2001 Regulations state that a DIP was to be appointed when an allegation of misconduct by the relevant officer required investigation. Responsibility for consideration of the DIP's report was with Full Council if the allegation related to the Head of Paid Service and with the Staffing & Remuneration Committee if the allegation related to the Monitoring Officer or Chief Finance Officer. Unless recommended in the report no disciplinary action could be taken.
- 4.3** The person appointed as the DIP required the agreement of both the authority and the officer concerned. This has in some areas, led to unnecessary delays in the process and has led to additional expense. The Department for Communities and Local Government (DCLG) has expressed concerns that the DIP process as it stood disadvantaged councils as the employer in comparison to the employee, given that the recommendation of the DIP had to be followed and the person appointed as the DIP had to be agreed by the relevant officer.
- 4.4** The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 removes the requirement for a DIP to be appointed. In place of the DIP process, the authority is now required to invite independent persons who have been appointed for the purposes of the Members' conduct regime under section 28(7) of the Localism Act 2011 to form an Independent Panel.
- 4.5** Invitations to form the panel will be issued in the following order:
- An independent person who has been appointed by the Council and who is a local government elector
 - Any other independent person who has been appointed by the Council



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- An independent person who has been appointed by another council or councils
- 4.6** The level of remuneration paid to independent members of the panel is capped at the rate of remuneration they would normally receive as an Independent Person under the Member's conduct regime.
- 4.7** A decision whether to dismiss the Head of Paid Service, the Monitoring Officer or Chief Financial Officer can now only be taken by Full Council after taking into account any views, advice or recommendations received from the Independent Panel, the conclusion of the investigation into the dismissal and the representations from the officer concerned.
- 5** **Comments of the Chief Finance Officer and financial implications**
- 5.1** The Chief Finance Officer has been consulted on this report and has no further comments to make.
- 6** **Comments of the Assistant Director of Corporate Governance and legal implications**
- 6.1** These are considered within the body of the report.
- 7** **Head of Procurement Comments**
N/a
- 8** **Policy Implication**
N/a
- 9** **Reasons for Decision**
- 9.1** The changes outlined are legislative and will include changes to the Council's constitution and to the employment contracts of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.
- 10** **Use of Appendices**
N/a
- 11** **Local Government (Access to Information) Act 1985**
N/a