

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 11</b>
<b>DATE OF MEETING:</b>	<b>17<sup>th</sup> JANUARY 2019</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR 01283 595715 DAVID CLAMP 01283 595729</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COUNCIL CONSTITUTION - POLICY UPDATES</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

## **1.0 Recommendations**

1.1 That the following updated documents, which are attached as Appendices to this report, replace the existing ones in the Council's Constitution;

- Appointment Procedure for Chief Executive and Directors
- Protocol for Member/Employee Relations
- Employee Code of Conduct
- Disciplinary Procedure for Head of Paid Service, Statutory Officers and Director positions

## **2.0 Purpose of the Report**

2.1 To update the Council's Constitution with revised documents.

## **3.0 Detail**

3.1 A review of existing policies in the Council's Constitution has been completed and some minor changes have been made to a number that need to be formally adopted. In the main they relate to changing references to different legislation such as the introduction of the Data Protection Act 2018 and to use the new policy template adopted by the Council.

3.2 The Disciplinary Procedure for Head of Paid Service, Statutory Officers and Director Positions has had the most detailed review following changes to the statutory procedures that were contained in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

### **Appointment Procedure for Chief Executive and Directors**

3.3 The appointment to these positions is covered by the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001 SI No. 3384. The Regulations provide that:

- Members may only be involved in the appointment of senior officers.
- Members will have the opportunity to raise objections to the decision about the appointments.
- All appointments of staff below the level of Director should be conducted at officer level.
- The appointment of the Head of Paid Service will require a decision by Full Council.

3.4 There has been no other material changes to this Procedure since it was approved by Council on 21 January 2016.

### **Protocol for Member/Employee Relations**

- 3.5 This document sets down how Elected Members and employees will work together in the delivery of services for the community of South Derbyshire. In particular, it provides details on the roles of Elected Members and how officers provide support and advice to exercise the various policies and procedures used by the Council.
- 3.6 This Protocol has also been updated to reflect the changed arrangements following the removal of the Standard Board for England (Section 14), and was last approved on 21 January 2016.

### **Employee Code of Conduct**

- 3.7 The purpose of the Employee Code of Conduct is to supplement an employee's terms and conditions of employment and to clarify the standards of conduct and behaviours expected of Local Government employees. The Code draws together policies of the Council and relevant legislation and aims to assist employees to perform their duties to the best of their abilities.
- 3.8 There has been no other material change to this Procedure since it was approved by Council on 21 January 2016.

### **Disciplinary Procedure for Head of Paid Service, Statutory Officers and Director Positions**

- 3.9 As noted in 3.2, statutory changes made to the above arrangements relating to formal disciplinary action being taken, up to and including dismissal.
- 3.10 The new Regulations set out the process to be followed before a statutory officer can be dismissed for disciplinary reasons. The main change from the old provisions is the removal of the Designated Independent Person (DIP) investigation and report process. Under the new procedures, the dismissal of a protected officer in respect of disciplinary action must be approved by way of a vote at a meeting of the authority. Previously, an authority had to take action in accordance with DIP recommendations.
- 3.11 Clarification and further guidance on a number of issues had to be sought from the Government before a revised procedure could be drafted. Following this, consultation has been completed with those Officers that are directly affected by the changes as well as the Trade Unions at a meeting of the Joint Negotiating Group held on 6<sup>th</sup> September 2018.

#### **4.0 Financial Implications**

4.1 None directly arising from the report.

#### **5.0 Corporate Implications**

##### **Employment Implications**

5.1 These Policies set down the expectations of the Council and procedures that will be followed in different employment situations.

#### **6.0 Community Impact**

6.1 None arising direct from this report

#### **7.0 Conclusions**

7.1 The review of the documents in this report will then, subject to approval, be incorporated in to the Council's Constitution.

#### **8.0 Background Papers**

8.1 The revised documents are attached as;

Appendix 1	Appointment Procedure for Chief Executive and Directors
Appendix 2	Protocol for Member/Employee Relations
Appendix 3	Employee Code of Conduct
Appendix 4	Disciplinary Procedure for Head of Paid Service, Statutory Officers and Director Positions