

North East Derbyshire District Council

Standards Committee

29 April 2026

DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

Contact Officer: Amy Bryan – Governance Manager

PURPOSE / SUMMARY

This report sets out a revised procedure to be followed in relation to the disciplinary procedure for the Council's Statutory Officers, including revisions to the Employment and Appeals Committee structure.

RECOMMENDATIONS

1. That the revised disciplinary procedure for Statutory Officers be approved.
2. That the revised Terms of Reference for the Employment and Appeals Committee, including the establishment of an Investigation and Disciplinary Committee, be approved.
3. That the Chief Executive Officer be granted delegated authority to make minor non-material changes to the procedure as required.

IMPLICATIONS

Finance and Risk: Yes No

Details: There are no financial or risk implications arising from this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: The disciplinary procedure for statutory officers must comply with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001, as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. These regulations prescribe mandatory protections for statutory officers, including the requirement that any proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer must be considered by an Independent Panel prior to a final decision by Full Council.

The procedure must also reflect the authority's obligations as an employer. Failure to follow a procedurally fair process could expose the authority to claims for unfair dismissal on the grounds of procedural irregularity.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details: None arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, appended
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 It is best practice to have the appropriate structures and standing committees in place in order that potential disciplinary issues can be quickly addressed.
- 1.2 The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 made changes to the matters relating to the dismissal of the three Statutory Officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer (the Relevant Officers).

2. **Details of Proposal or Information**

- 2.1 The proposed process for dealing with allegations against Statutory Officers is set out in Appendix 1.
- 2.2 The disciplinary procedure for statutory officers must be implemented in line with the Council's responsibilities as an employer and with established principles of fair and reasonable treatment. This includes ensuring that Statutory Officers who are subject to the procedure are treated fairly, kept

informed at each stage of the process, and provided with reasonable opportunities to respond to concerns raised.

- 2.2 The proposed changes to the Terms of Reference of the Employment and Appeals Committee (EAC) are set out in Appendix 2. This includes the creation of a second Committee – the Investigation and Disciplinary Committee (IDC).
- 2.3 The IDC will have a different membership to the EAC, to enable it to consider preliminary investigation reports, determine whether further action is required (including formal investigation and appointment of external investigator), make recommendations to full Council and to deal with the final stages of the grievance procedures for all Statutory Officers.
- 2.4 The Employment and Appeals Committee will deal with hearing appeals against the decision of the IDC in respect of action short of dismissal (written warning or final written warning).

3 Reasons for Recommendation

- 3.1 To ensure the Council has a robust process in place.

4 Alternative Options and Reasons for Rejection

- 4.1 To do nothing. This has been rejected as the Council's needs a robust procedure for any allegations against Statutory Officers.

DOCUMENT INFORMATION

Appendix No	Title
1	Statutory Officer Allegations Process
2	Proposed Terms of Reference
3	EIA Stage 1
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Model Disciplinary Procedure for Chief Executives agreed by the JNC for Chief Executives of Local Authorities as updated in September 2022.	