

Joint Negotiating Committee for Chief Executives of Local Authorities

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

5 May 2016

Dear Chief Executive,

CHIEF EXECUTIVES' HANDBOOK

You will be aware that The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 replaced the statutory Designated Independent Person (DIP) provisions with an Independent Panel process.

The JNC has been working over recent months to update the Chief Executives' Handbook so that it reflects the new statutory process and we hope to issue the revised version in the coming weeks.

In the meantime, we wish to bring to your attention one key change that will be a feature of any joint agreement and therefore you should consider reflecting this in your Council's Standing Orders / Constitution (as appropriate). The Regulations provide that where there is a proposal to dismiss the Head of Paid Service, Monitoring Officer or Finance Officer the authority must appoint a Panel, and take into account any advice, views or recommendations of that Panel. The Panel should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972 and should contain at least two independent persons appointed under s.28(7) of the Localism Act 2011.

There has been some uncertainty as to whether this requirement incorporated the need to maintain political balance in this committee, ie. that the requisite number of councillors should also be appointed. Having consulted DCLG the JNC has accepted that it is possible that the Panel can comprise only independent persons provided that is what the authority resolves and therefore in the national model process the Independent Panel shall comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. In other words, no elected members should sit on the Panel.

Employers' Secretary:

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If, following a disciplinary investigation, there is a recommendation to dismiss the Chief Executive, the reports of the Investigating & Disciplinary Committee and the Independent Investigator should then be sent to the Independent Panel for its consideration prior to advising the Council.

We are aware that many councils will shortly be convening an Annual General Meeting of the full Council so you may wish to use that opportunity to update the Council's Standing Orders / Constitution accordingly. However, should a disciplinary process be underway before then you should continue to use your current procedures.

Yours faithfully,

Sarah Messenger
Amar Dave

Joint Secretaries

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