

Disciplinary Policy for Chief Officers



Purpose and Scope

The aim of this policy is to help maintain high standards of conduct at work. The disciplinary procedure for Chief Officers provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct.

Chief Officers and Deputy Chief Officers are defined by Section 5 of the Local Government and Housing Act. In Westminster this Policy will apply to officers Band 6 and above, or posts that have required a member appointment.

For the Chief Executive or Monitoring s151 Officer paragraphs 13 and 13A and Appendix 5A of the Joint Negotiating Committee for Local Chief Executives handbook will apply instead of this policy.

Key Principles

The principles are consistent with the Council's [Disciplinary Policy](#) with the addition of member involvement at the disciplinary hearing.

Disciplinary Procedure

Preliminary Investigation

The purpose of the preliminary investigation is to determine whether or not there is a disciplinary case to answer and if so whether it could be resolved informally.

The Officer should be:

- notified in writing of the allegations being investigated
- given the opportunity to make representations
- interviewed by the appropriate manager and offered the right to be accompanied by TU rep or fellow employee of their choice

Potential Case to Answer

Where the preliminary investigation determines that there is a potential case to answer, an Investigation Committee will be established.

The Investigation Committee should

- be no fewer than 3 elected Members
- not include any Member or officer with direct personal involvement in the complaint or who participated in the preliminary investigation

Pre Disciplinary Hearing

The Officer:

- must be given not less than 10 working days written notice of the Investigation Committee meeting
- will have the right if requested within reasonable notice to receive further details of the complaint
- will have the right if requested within reasonable notice to a postponement of the hearing for a jointly agreed period not exceeding 14 days
- may circulate a written statement to the Investigating Committee before the hearing

Suspension

- Where the Officer's continuing presence at work could compromise the investigation, impairs efficient exercise of the Council's functions or where a case appears to be one of gross misconduct, the Officer may (subject to any consultation required under Standing Orders) be suspended from duty on full pay.
- The Council, appropriate committee or the Chief Executive, acting under delegated powers, may carry out a suspension
- Written notice stating the reasons for the suspension must be given at the earliest opportunity

Disciplinary Hearing

The Investigation Committee must ensure that the Officer:

- knows the details of the allegation

- has the opportunity to put their side of the matter

Outcome of Disciplinary Hearing

The investigation Committee can:

- exonerate the employee
- determine whether and to what extent the evidence supports any allegation of misconduct against the Officer
- determine disciplinary action (if any) from the following:
 - recorded verbal warning
 - written warning
 - suspension on half pay or no pay for a specified period
 - relegation (i.e. reduction in salary) for a specified period
 - an invitation to resign or accept retirement
 - dismissal with notice
 - summary dismissal without notice

The decision should be given to the Officer in writing at earliest opportunity following the hearing.

Please note that before proposing to dismiss the Director of Public Health the Secretary of State must be consulted. Further information on this is available in the [Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context](#).

Appeals

- Officers have the right of appeal to Council or another committee
- The procedure for an appeal should follow the procedure for the hearing above
- Members who participated in the hearing may attend to give evidence but must be excluded during the consideration of the decision of the council or committee

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