

Joint staff committee procedure rules

Purpose of the committee

1. South Oxfordshire and Vale of White Horse district councils (the councils) have appointed this committee to undertake those non-executive functions relating to the employment of officers in the shared management structure.

Terms of reference

2. Establish the framework and procedure for recruitment and appointment of the chief executive (head of paid service), deputy chief executives, monitoring officer and chief finance officer.
3. Determine the terms and conditions of service to apply to the chief executive.
4. Act as the appointment panel for interviewing for the chief executive, deputy chief executives, monitoring officer and chief finance officer.
5. Appoint deputy chief executives and in the case of the chief executive, monitoring officer and chief finance officer to make recommendations on appointments to the councils.
6. Consider any proposed redundancy dismissals of the chief executive, deputy chief executives, monitoring officer or chief finance officer, and to make recommendations on redundancy dismissals to the councils.
7. Determine any proposed efficiency retirement of the chief executive subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee save that any relevant settlement package over £100k must be approved by the councils.
8. Approve the sign off of any probationary period for the chief executive.
9. Review the objectives and targets set by the leaders for the chief executive and review the formal performance and development reviews undertaken by the leaders.
10. Deciding upon the salaries of the chief executive, deputy chief executives, monitoring officer and chief finance officer.
11. Receive a report from the chief executive within six months of any change to the senior management arrangements being implemented by the chief executive at his/her discretion. This report should include the number of officers that have been authorised to carry out work for another local authority, if such authorisations have been made.
12. Make appointments to the Independent Person panel.
13. Appoint panels to suspend the chief executive, deputy chief executives, monitoring officer and chief finance officer under the procedures set out in the JNC Chief Executives Handbook.

14. Appoint panels to take disciplinary action against and to make recommendations to the employing council on matters relating to the dismissal of the chief executive, monitoring officer and chief finance officer in accordance with the procedures set out in the officer employment procedure rules.
15. Appoint panels to take disciplinary action and dismiss a deputy chief executive in accordance with the procedures set out in the employment procedure rules.
16. Appoint panels to determine appeals against disciplinary action short of dismissal against the chief executive, monitoring officer and chief finance officer and all disciplinary action against deputy chief executives in accordance with the procedures set out in the officer employment procedure rules.

Membership

17. The committee will comprise:
 - South Oxfordshire District Council – Leader and four councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
 - Vale of White Horse District Council – Leader and four councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
18. The leader may be substituted by another Cabinet member and it must be noted that for disciplinary matters at least one cabinet member from each council must be a member of the committee.
19. Other members of the committee may be substituted by any other member of the council (cabinet or non-cabinet and from any political group). The chair or the vice-chair of council shall not act as chair or vice-chair of the committee.

Appointment of sub-committees

Investigation and Disciplinary Sub-Committee

20. The committee may appoint on a standing basis an investigation and disciplinary sub-committee with powers to:
 - (a) consider disciplinary and capability matters relating to the chief executive, deputy chief executives, monitoring officer or chief finance officer
 - (b) take disciplinary action against and to make recommendations to the (employing) council on matters relating to the dismissal of the chief executive, monitoring officer, chief finance officer in accordance with the procedures set out in the employment procedure rules
 - (c) suspend the chief executive, deputy chief executives, monitoring officer, chief finance officer pending an investigation
 - (d) appoint an independent investigator to investigate allegations of misconduct or capability relating to the chief executive, deputy chief executive, monitoring officer or chief finance officer
 - (e) appoint an independent investigator to investigate grievances relating to the chief executive, deputy chief executives, monitoring officer, chief finance officer.
 - (f) consider grievances relating to the chief executive

21. The sub-committee will be politically balanced and comprise five members of the joint staff committee (three members from the employing council and at least one member of the cabinet from each council).

Appeals Sub-Committee

22. The committee may appoint on a standing basis an appeals sub-committee with power to consider appeals against any decisions made by the investigation and disciplinary sub-committee with the exception of a recommendation of dismissal against the chief executive, monitoring officer or chief finance officer which must be considered by council.
23. The sub-committee will be politically balanced and comprise five members of the joint staff committee (three members from the employing council and at least one member of the cabinet from each council).
24. No councillor who was a member of the investigation and disciplinary sub-committee making the decision which is the subject of the appeal may be a member of the appeals sub-committee.

Independent Persons Panel

25. The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Statutory Officers in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001. The role of the panel is to advise the council where there is a proposal to dismiss a statutory officer.
26. The advice of the panel must be sought in accordance with the Officer Employment Procedure Rules where the investigation and disciplinary sub-committee proposes to recommend the dismissal of a statutory officer.
27. The advice of the panel may (but need not) be sought by the investigation and disciplinary sub-committee at any other point in an investigation or as part of the disciplinary process.
28. For the avoidance of doubt, the panel may commission and have access to external legal and professional advice.

Membership

29. The panel must be convened at least 20 working days before the council meeting convenes to consider a recommendation of dismissal and the council meeting may not take place within 10 working days of the panel having been convened.
30. The panel must consist of a minimum of two of the Independent Persons appointed under section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the council considers appropriate.

31. It shall be for the monitoring officer to invite the Council's current Independent Persons to take part and the investigation and disciplinary sub-committee will confirm appointments to the panel. In the event the disciplinary action is against the monitoring officer, the chief executive will invite independent persons to form the panel.
32. The panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:
 - (a) an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
 - (b) any other Independent Person who has been appointed by the authority
 - (c) an Independent Person who has been appointed by another authority or authorities.