

Annex 1 – Procedure to be complied with in respect of dismissal of senior officers

The following procedure is to be followed under Rule 8 of the Officer Employment Procedure Rules before the dismissal of the following posts can be undertaken¹:

- Head of Paid Service
 - Monitoring Officer
 - Chief Finance Officer
1. The authority must invite relevant independent persons to be considered for appointment to a Panel to be established for the purposes of advising the authority on matters relating to the dismissal of the relevant officer, with a view to appointing at least two such persons to the Panel²;
 2. The ‘independent person(s)’ so appointed means any independent person who has been appointed by the authority under section 28(7) of the Localism Act 2011 (for the purposes of advising the authority on complaints against the members’ code of conduct);
 3. Where the authority has fewer than two such independent persons, such independent persons as appointed by another authority or authorities may be appointed, as the authority considers appropriate;
 4. Specifically, the authority must appoint to the Panel such independent persons who have accepted the invitation to join it, in accordance with the following priority order:
 - a) An independent person appointed by the authority and who is a local government elector;
 - b) Any other relevant independent person who has been appointed by the authority;
 - c) A relevant independent person who has been appointed by another authority or authorities.
 5. The authority is not required to appoint more than two independent persons but may do so;

¹ For the avoidance of doubt, the procedure outlined here is the procedure required to be undertaken under Schedule 3 of the Local Government (Standing Orders)(England) Regulations 2001 (as amended).

² The ‘Panel’ means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes outlined in that paragraph.

6. The authority must appoint any such Panel at least 20 working days before the relevant meeting of the authority³;
7. Before taking a vote at the relevant meeting of the authority on whether or not to approve such a dismissal, the authority must take into account in particular:
 - a) Any advice, views or recommendations of the Panel;
 - b) The conclusions of any investigation into the proposed dismissal; and
 - c) Any representation from the relevant officer.

³ That is, the meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer