

Advisory Bulletin employersorganisation

Employment Relations

NO 450 – APPOINTMENT AND DISMISSAL OF SENIOR STAFF - THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

MARCH 2002

SUMMARY

This Advisory Bulletin describes the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001 SI No. 3384 which relate to the appointment, discipline and dismissal of senior staff. These Regulations require authorities to make or modify a number of their standing orders. Briefly, the Regulations provide that:

- Councillors may only be involved in the appointment of senior officers i.e. deputy chief officers and above
- The appointment or dismissal of the head of paid service will require a final decision by the full council
- Members of the executive will have the opportunity to raise objections to decisions about the appointments or dismissals of senior officers
- All appointments and dismissals of staff below the level of deputy chief officer should be conducted at officer level, and
- Statutory protection from disciplinary action, except with the involvement of an Independent Person, is extended to include the monitoring officer and the chief finance officer.

However, the Regulations have created many questions of interpretation and practical implementation. Guidance has been sought from The Department for Transport, Local Government and the Regions (DTLR) on a number of issues which we will confirm or clarify in a future Advisory Bulletin. Additionally, we will be producing a web-based resource answering some of the more frequently asked questions.

<u>Contents</u>	<u>Page No.</u>
INTRODUCTION	2
The position in Wales	2
SCOPE OF THE STANDING ORDERS	3
COVERAGE	3
APPLICATION TO DIFFERENT FORMS OF EXECUTIVE ARRANGEMENTS	3
IMPLEMENTATION	3
COUNCILLORS' INVOLVEMENT IN THE APPOINTMENT, DISMISSAL OR DISCIPLINARY PROCESS	4
Definition of disciplinary action	5

APPOINTMENT OR DISMISSAL OF THE HEAD OF PAID SERVICE	5
In a mayor and council manager executive	6
APPOINTMENT AND DISMISSAL OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS	6
Opportunity for members of the executive to raise objections	6
What constitutes a material and well-founded objection?	7
Definition of chief and deputy chief officer	8
Authorities with a mayor and council manager executive	8
Authorities operating alternative arrangements	8
APPOINTMENT, DISMISSAL AND DISCIPLINE OF STAFF BELOW THE LEVEL OF DEPUTY CHIEF OFFICER	8
EXTENDING STATUTORY PROTECTION TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER	9
Investigation into alleged misconduct	9
'Capability' suspension or dismissal	9
The independent person	10
The role of the independent person	10
Conditions of service issues	10
The process	11
Transitional arrangements	11
FURTHER INFORMATION	12
Frequently asked questions – shortly available on the website	12

INTRODUCTION

1. The Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) came into force on 7 November 2001. They apply to England only and are designed to achieve a number of policy aims set out by the Department for Transport, Local Government and the Regions (DTLR) in 'New Council Constitutions Guidance to Local Authorities' issued on 26 October 2000. The Modular Constitutions, which included Officer Employment Procedure Rules, were the subject of Advisory Bulletin 433.
2. The statutory guidance was most recently updated on 17 October 2001 to take into account the changes that the Regulations will require. However, it seems that there were a number of discrepancies between the guidance issued on 17 October and the actual Regulations. DTLR are considering further updating the guidance but in the meantime it is their view that the Regulations contain the correct approach.
3. The standing orders regulations, as a whole, do of course cover other issues relating to an authority's budgets and the strategic plan framework, but in this Bulletin we are concentrating on appointment, dismissal and disciplinary processes in relation to senior staff.

The position in Wales

4. In Wales, the Assembly is consulting local authorities to determine whether or to what degree it wishes to follow the English regulations. Depending on the outcome of that consultation the Assembly will take the matter forward in 2002 possibly introducing regulations before the end of the Summer session.

- SCOPE OF THE STANDING ORDERS**
5. All aspects of the Regulations covered in this Bulletin apply to local authorities in England. The extension of statutory protection to the Monitoring Officer and Chief Finance Officer (i.e. the independent person procedure) also applies to the City of London and the Council of the Isles of Scilly. The Regulations do not apply to parish or town councils.
- COVERAGE**
6. The Regulations apply generally to decisions relating to local authority employees. They do not apply to fire authorities. Additionally it is our view currently that they are not intended to apply to uniformed staff engaged in fire service operations within local authorities. We also currently take the view that they are not intended to apply to school based staff. However, we have sought clarification on this issue.
- APPLICATION TO THE DIFFERENT FORMS OF EXECUTIVE ARRANGEMENTS**
7. In accordance with Part II of the Local Government Act 2000, authorities will by now, or in the near future, be operating under one of four types of council constitution:
- i) Mayor and cabinet executive
 - ii) Leader and cabinet executive
 - iii) Mayor and council manager executive
 - iv) Authority operating alternative arrangements
8. The Regulations apply in very similar form to all types of executive arrangements. The main differences are as follows:
- a) The protection of employment granted to the head of paid service is not applied to a council manager whether or not he is also the head of paid service, in a mayor and council manager arrangement (if someone other than the council manager is the designated head of paid service then the statutory protection will apply to that person);
 - b) Where an authority is operating 'alternative arrangements' there is no requirement to create and operate an executive, therefore, there is no provision for an executive member to express its objection to the appointment or dismissal of a senior officer;
 - c) In a mayor and cabinet model, the views of the executive are transmitted through the mayor, whereas in a leader and cabinet model those views are expressed through the leader.
- Key differences are shown where appropriate at various instances in the text below and a table summarising the differences is attached as an Appendix to this Bulletin.
- IMPLEMENTATION**
9. All authorities should have adopted the mandatory standing orders relating to protection from disciplinary action against the head of paid service, the monitoring officer and the chief finance officer at the first ordinary meeting after 7 November 2001.

10. In relation to the appointment, dismissal and disciplinary action against other staff, authorities must make the necessary changes to their standing orders on or before the date they start to operate the new executive arrangements or alternative arrangements. However, for those authorities which are in the process of transition:

- If an authority has already started to operate executive or alternative arrangements, it must implement the necessary changes as soon as is reasonably practicable after 7 November 2001.
- If an authority has sent a copy of its proposals to implement executive or alternative arrangements to the Secretary of State before the Regulations came into force (7 November 2001) and it is impracticable to implement the necessary changes before it commences the new arrangements it should make the necessary changes as soon as practicable after commencing.

COUNCILLORS' INVOLVEMENT IN THE APPOINTMENT, DISMISSAL OR DISCIPLINARY PROCESS

11. Under the Regulations, councillors may take part in the appointment, dismissal or disciplinary action in respect of:
- a) The head of the paid service;
 - b) Statutory chief officers (director of education, director of social services and the s.151 finance officer);
 - c) Non-statutory chief officers (being officers who report directly to the head of the paid service or to the council or any committee or sub-committee of the authority for all or the majority of their duties but whose duties are not in the nature of secretarial, clerical or support services);
 - d) Deputy chief officers (being officers who report directly to a chief officer for all or most of their duties, but whose duties are not in the nature of secretarial, clerical or support services);
 - e) Political assistants; or
 - f) The mayor's assistant (in a mayor and cabinet executive or mayor and council manager arrangement).

Political assistants and mayor's assistants are appointed at the wishes of the political groups or the mayor respectively. The Local Authorities (Standing Orders) Regulations 1993 (SI No. 202) establish that the appointment of statutory chief officers shall be made by the authority or may be delegated to a committee or sub-committee. Appointments of non-statutory chief officers may be made by the authority or delegated to a committee or officer. Under the new Regulations the position of deputy chief officers is now similar to non-statutory chief officers, i.e. they may be made by elected members or delegated to officers. In authorities operating executive arrangements, the Regulations require that any such committee or sub-committee of elected members must include at least one member of the executive. When it comes to dismissal, the Regulations have a slightly less prescriptive effect in that any decision to dismiss the head of paid service must be approved by the authority. In the case of those officers listed at (b) to (d) above, members may be involved in the process of dismissal or disciplinary action. This could potentially be at a full council meeting but more likely at a committee or sub-committee.

- Comment**
12. Many authorities will choose to leave recruitment, discipline and dismissal decisions to officers with the appropriate skills. Member involvement in recruitment to the posts listed c) - d) above is not compulsory, it is merely not precluded. The degree of member involvement in the process of appointing heads of paid service and statutory chief officers will depend on an authority's practices (although an appointment of the head of paid service will need to be approved by the authority – see paragraphs 15-21 below and the appointment of a statutory chief officer should be made by the authority or delegated to a committee or sub-committee). However, elected members are not allowed to be involved in the appointment, discipline or dismissal of staff below the level of deputy chief officer (see paragraphs 31-34 below).
- Definition of disciplinary action**
13. The definition of 'disciplinary action' is set out in Regulation 2 and is brought forward from The Local Authorities (Standing Orders) Regulations 1993 (SI No. 202). This means 'any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.'
- Comment**
14. The definition of disciplinary action is a wide one and includes capability issues.
- APPOINTMENT OR DISMISSAL OF THE HEAD OF PAID SERVICE**
15. The authority must approve the appointment or dismissal of the head of paid service. The full council could carry out the appointment or dismissal or delegate the process to a committee, sub-committee or officer. Other disciplinary action short of dismissal against the head of paid service need not require the approval of the full council but will need to follow a procedure which complies with Regulation 7 (i.e. the independent person procedure – see paragraphs 35-47 below).
16. If the council chooses to delegate the appointment or dismissal process to a committee, sub-committee or officer, the full council must approve the appointment before an offer of appointment is made, or in the case of dismissal, before notice of dismissal is issued.
17. How the process is managed will be a matter for the authority. It could be that the decision waits for the next meeting of the council or that the timing of the appointment process is arranged so as to synchronise with a full council meeting. Where a disciplinary investigation in conjunction with the involvement of an independent person, leads to a recommendation to dismiss, the timing may be more difficult to control.
18. There are further provisions which apply to the appointment or dismissal of the head of paid service which apply to all 'senior officers' as set out below (see paragraphs 22-30).

- Comment**
19. The requirement for the council to 'approve' the appointment of the head of paid service does not preclude an appointments committee or panel, which would need to include at least one member of the executive, from interviewing candidates and making a recommendation on an appointment to the council. Equally, the task of recommending an appointment could be delegated to officers or recruitment consultants.
20. In terms of disciplinary charges it would also be valid for a disciplinary committee or panel to consider the case in conjunction with a report from an independent person and to take appropriate action. Any committee of elected members would need to include at least one member of the executive. If dismissal were the appropriate sanction then a recommendation that the head of paid service be dismissed could be taken to the council for approval.
- Mayor and council manager executive**
21. In a mayor and council manager executive, the council manager will be appointed by the authority. If the council manager is not also the head of paid service then it will be the responsibility of the council manager to appoint the head of paid service.
- APPOINTMENT AND DISMISSAL OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**
22. The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (SI No. 2853) as amended by The Local Authorities (Functions and Responsibilities (England)(Amendment) Regulations 2001 (SI No. 2212) provide that the appointment of staff and determining the terms and conditions under which they are employed (including procedures for their dismissal) under Section 112 of the Local Government Act 1972 is a function which is not to be the responsibility of the executive. It is therefore a function which is the responsibility of the council, but which can be delegated under Section 101 of the 1972 Act to a committee, sub-committee or officer.
- Opportunity for members of the executive to raise objections**
23. Under The Local Authorities (Standing Orders) Regulations 1993 (SI No. 202) the appointment of statutory chief officers should be made by the authority or delegated to a committee or sub-committee. Appointments of non-statutory chief officers may be made by the authority or delegated to a committee, sub-committee or officer. Under the new Regulations the position of deputy chief officers is now similar to non-statutory chief officers, i.e. they may be made by elected members or delegated to officers. However, under the new Standing Orders Regulations particular rights are granted to the executive in authorities operating a mayor and cabinet executive or leader and cabinet executive, in respect of proposals for the appointment or dismissal of head of paid service, statutory and non-statutory chief officers and deputy chief officers.
24. In such cases, the person or body who is 'discharging the function of' appointment (the 'appointor') or dismissal (the 'dismissor') must notify the proper officer (this is the person appointed to perform this function) of the person whom it is proposed to appoint or dismiss and any other particulars relevant to the appointment or dismissal. The proper officer then:

- Notifies every member of the executive of the proposals (presumably this is only a requirement to send notification to each member, rather than a requirement that each member shall actually have received the notification)
 - Gives them a specified period within which the elected mayor (in a mayor and cabinet executive) or the leader (in a leader and cabinet executive) may advise the proper officer of any objection on the part of the executive to the proposed appointment or dismissal.
25. The offer of appointment (or the notice of dismissal) can only be made if:
- The mayor/leader have informed the proper officer that neither he/she nor the members of the executive have any objection to the offer of appointment (or the issuing of notice of dismissal); or
 - If there has been an objection from the mayor/leader or a member of the executive, when the appointor (or dismissor) is satisfied that the objection is not material or is not well-founded.

Comment

26. DTLR has advised that the purpose of this procedure is to ensure that those who would, in all likelihood, be working most closely with those to be appointed (or who have worked most closely with a person proposed for dismissal) should have a specific right to contribute their views. However, it will remain for the 'appointor' (which may be the appointments committee or sub-committee or an individual officer) to take a decision on whether that is a valid contribution or well-founded objection. Therefore, the executive's right of objection is merely to make representations, and have these taken into account by the appointor. It is not a right of veto over a decision to appoint or dismiss.

What constitutes a material and well-founded objection?

27. For an objection to be valid it must be both material and well-founded. For an objection to be well-founded it must be a matter which can be substantiated. Clearly this is intended to apply such that the objection must be based on facts rather than merely on hearsay. Arguably, at the very least it must be based on a reasonable suspicion that the information is accurate and true. However, that is not enough in itself. It must also be material which is taken to mean that it must be relevant to the process, and the post involved and sufficient to warrant the decision not to make the offer of appointment.

Examples

A member of the executive objects to the appointment of a prospective Head of Legal Services on the grounds that he has red hair. This may be true and therefore well-founded. However, the colour of a person's hair has no relevance to his ability to perform the duties of a Head of Legal Services. The objection would therefore not be material and well-founded.

A member of the executive objects to the appointment of a potential Director of Education because he belongs to an opposition political party. This may be true and therefore well-founded but will not be material because the officer has a duty

to serve the authority as a whole and ability of that individual to practise and evangelise his/her political beliefs are restricted by s.1-3 of the Local Government and Housing Act 1989.

A deputy director of personnel may have suffered a deterioration in performance and struggled to keep up to date with developments in human resource management and employment law such that he can no longer perform at the level required. In the absence of any suitable alternative vacancies there is a proposal to dismiss him. A member of the executive raises an objection claiming that he has been employed by the authority for many years and served them well during difficult times, therefore dismissal is inappropriate. The dismissor may well take this view on board and investigate any possibilities that would allow early retirement.

Definition of chief officer and deputy chief officer

28. The definitions of chief officer and deputy chief officer are as set out in the s2(6) – 2(8) of the Local Government and Housing Act (LGHA) 1989 (see Advisory Bulletin 433). A reference to deputy chief officer is therefore not restricted to genuine 'deputies' and incorporates many posts in local authorities operating flatter management structures across England. The provisions that must be complied with will be a great hindrance to many authorities but it seems that with the exception of clerical and support staff, all those who report to a chief officer will be 'caught' by the Regulations unless the government puts out further clarifying legislation.

Authorities with a mayor and council manager executive

29. In authorities operating a mayor and council manager executive it will be the responsibility of the authority to appoint the council manager. It will then be the responsibility of the council manager to appoint all staff other than political assistants and the mayor's assistant. Elected members will have no right to raise objections to appointments made by the council manager.

Authorities operating alternative arrangements

30. In authorities operating alternative arrangements, the head of paid service may be appointed or dismissed by the council. Alternatively, if the council chooses to delegate the appointment process to a committee, sub-committee or officer, the council must approve the appointment before an offer of appointment is made. If the head of paid service is to be dismissed then similarly the dismissal must be approved by the whole council. For other senior officers (chief officers and deputy chief officers) the matter of appointments, discipline and dismissal may be delegated to a committee, sub-committee or officers subject to the appointment of statutory chief officers being approved by the authority or a committee (see para 23 above). As there is no executive, there is no right for members to raise objections to such decisions.

APPOINTMENT, DISMISSAL AND DISCIPLINE OF STAFF BELOW THE LEVEL OF DEPUTY CHIEF OFFICER

31. These new Regulations now give effect to the Government's commitment in the earlier statutory guidance which stated that all appointments, dismissals and the taking of disciplinary action against employees of the council below the level of deputy chief officer must be carried out by the head of paid service, or by an officer nominated by him or her. The only exceptions to this provision are:

- Political assistants, and
- The mayor's assistant

32. There is no requirement for officers responsible for appointing, disciplining or dismissing staff to be nominated or recorded formally by the authority. This provision simply means that appointments should be made in the usual way by officers who possess the authority to make them.
33. This means that councillors are eliminated from the appointment, discipline or dismissal process for staff below the level of deputy chief officer. Neither can they chair, or sit as members of a committee or sub-committee which performs the function of appointing, disciplining or dismissing staff at this level.
34. However, the Regulations still allow elected members to be involved in an authority's appeals process if the authority wishes. Councillors are also not precluded from taking part in an inquiry or investigation of misconduct or other disciplinary action if they were a victim of, or a witness to any alleged misconduct and they take part solely to give evidence.

**EXTENDING
STATUTORY
PROTECTION TO THE
MONITORING OFFICER
AND CHIEF FINANCE
OFFICER**

35. The Regulations have the effect of extending statutory protection, in respect of disciplinary action, which has applied to the head of paid service since 1993, to the monitoring officer and the chief finance officer. These provisions should have been incorporated in the authority's standing orders no later than the first ordinary meeting of the authority falling after 7 November 2001. If any authorities have not done so then they should as soon as possible.
36. This means that the method of taking disciplinary action against the head of paid service, the monitoring officer or the chief finance officer is regulated and any action should be taken in accordance with a recommendation in a report made by a designated independent person. Disciplinary action is as defined above, at paragraph 13.

**Investigation into
alleged misconduct**

37. However, the authority can suspend the head of paid service, monitoring officer or finance officer for the purposes of investigating the alleged misconduct. If it does so, any suspension must be on full pay and last for no longer than two months unless the independent person recommends that the suspension should continue beyond that point.

**'Capability' suspension
or dismissal**

38. Capability issues will fall in scope of the independent person procedure other than instances of permanent ill-health. However, an authority would only require the appointment of an independent person to determine the appropriate level of action if, after an initial investigation by the committee or appropriate officer, it was considered that there was an issue which could not be addressed by an informal (and unrecorded) warning and a reasonable period in which to improve. Where it is likely that the circumstances will result in the recording of a formal warning or sanction on the officer's personal file then an independent person will need to be appointed.

The independent person

39. The independent person is appointed by the authority and must be agreed between the authority and the officer subject to the investigation. If the parties cannot agree then the independent person will be nominated by the Secretary of State. The authority must pay 'reasonable remuneration' to the independent person and meet any reasonable costs incurred by him/her in discharging the functions.

The role of the independent person

40. The role of the independent person is to make a report to the authority stating his/her opinion as to whether (and if so, to what extent) the evidence he has obtained supports any allegation of misconduct against the relevant officer, and

- Recommending any disciplinary action which appears to him/her to be appropriate for the authority to take.
- A copy of this report must be sent to the officer under investigation at the same time it is made to the authority.

The independent person may at any time direct that:

- The authority terminate the suspension;
- Such suspension must continue beyond the initial 2 month limit;
- The terms of any such suspension be altered; or
- No steps towards disciplinary action or further disciplinary action should be taken against the officer, other than steps in the presence, or with agreement of the independent person, before the independent person makes his/her formal report.

Additionally, the independent person may:

- Inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the authority has power to authorise him/her to inspect, and
- Require any member of staff of the authority to answer questions concerning the conduct of the officer.

Conditions of service issues

41. The JNC for Chief Executives of Local Authorities National Salary Structure and Conditions of Service Handbook contains a model disciplinary procedure which incorporates the process regarding the appointment and role of the independent person. This model should apply except where alternative arrangements have been agreed in advance by the authority and the Chief executive. This should need no amendments as a result of the new Regulations.

42. The JNC for Chief Officers handbook also contains a model disciplinary procedure. This does not have a specific detailed reference to a designated independent person because this has not been required to date. However, there is a reference to the possibility and that authorities wishing to introduce such a procedure could look to the Chief Executives' conditions of

Service for guidance. Because the new statutory independent person procedure only applies to monitoring officers and chief finance officers within the chief officers group, it is uncertain at this stage whether the Chief Officers' conditions will be amended to incorporate an independent person procedure for these two specified posts. However, the Employers' Organisation will be issuing some Employers' Guidance on the application of the procedure to monitoring officers and chief finance officers.

- The process**
43. As soon as the authority determines that an allegation of misconduct against a relevant officer (head of paid service, monitoring officer or chief finance officer) requires to be investigated, it is required to appoint an independent person. Most authorities will already have set up a committee or sub-committee to take decisions about the appointment of an independent person in connection with disciplinary action against the head of paid service. They may now wish to extend the remit of such a committee to include investigations and the appointment of an independent person where allegations are made against the monitoring officer or finance officer.
- Comment**
44. Although the Regulations may appear to require that the independent person should merely investigate the allegations and make a report to the authority, what will normally happen in practice is that the independent person will perform the role of quasi chair of a disciplinary hearing. The authority will submit evidence of the allegations and any relevant documents supported by witnesses if appropriate. The officer facing the allegations will similarly present his/her case and the independent person will make any other enquiries necessary before making his report recommending the action to be taken. The report would then be considered by the authority's disciplinary panel at which the officer would have the opportunity to address the panel before a decision is taken.
- Transitional arrangements**
45. Regulation 10(2) provides that:
- Until the authority adopts the new standing orders incorporating protection against disciplinary action against the head of paid service, monitoring officer or finance officer, the existing standing orders introduced as a result of The Local Authorities (Standing Orders) Regulations 1993 in respect of the discipline of the head of paid service will remain in force. Consequently where an authority has already commenced any action in respect of its head of paid service before it adopts the new standing order then the action can continue.
- Comment**
46. The above provisions raise a key question with regard to ongoing action in respect of the monitoring officer or chief finance officer which commenced before the Regulations came into force or before the authority adopted the necessary standing order. Regulation 7 requires that where, after the necessary standing order has been adopted, allegations of misconduct by the head of paid service, monitoring officer or finance officer require to be investigated then an independent person should be appointed. This implies that if the necessary standing order has not yet been adopted then the investigation and disciplinary action could commence without the appointment of an independent person. However, Regulation 6

states that the authority must adopt the standing order no later than the first meeting of the local authority falling after the day the Regulations came into force (7 November 2001). Therefore, it is arguable as to which point the requirement to use the independent person procedure applies. If authorities have commenced an investigation that could lead to disciplinary action, within the meaning of the Regulations, after the first council meeting after 7 November 2001, but have not yet adopted the necessary standing order, they would be advised to use the independent person procedure, particularly if there is a real possibility that the outcome could be dismissal.

47. Technically, it would appear that any action which commenced prior to 7 November 2001 could continue without the independent person although authorities in that position might need to consider this issue carefully and take further advice. If the outcome were to lead to dismissal then the opportunity for members of the executive to raise objections may also apply, depending on the status of the authority's move towards its new constitution, i.e. if the objection process applies generally at the point that the proposal to dismiss is made then it would apply.

**FURTHER
INFORMATION**

48. The Regulations can be downloaded from the HMSO website [Http://www.legislation.hmso.gov.uk/si/si2001/20013384.htm](http://www.legislation.hmso.gov.uk/si/si2001/20013384.htm)
49. Stationery Office publications can be obtained by telephoning 0870 6005522 or from the internet at www.hmso.gov.uk.

**Frequently asked
questions**

50. This set of Regulations has created many concerns for authorities and has led to many questions of interpretation and practical impact in authorities. The full range of issues raised to date could not easily be contained within this Advisory Bulletin. There are almost certainly other implications that we have not yet foreseen. We are therefore producing an additional web based resource document including frequently asked questions. This will allow us to update and add new questions and answers as they are raised or our understanding of the Regulations grows. This will be available shortly.
51. Bob Mayho, Kelvin Scorer or Joan Seaton will be pleased to answer questions arising from this Bulletin. Please contact us on 020 7296 6600 or fax on 020 7296 6739. All members of the Unit can be contacted by e-mail on: eru@lg-employers.gov.uk

APPENDIX

TYPE OF CONSTITUTION					
	Leader and cabinet executive	Mayor and cabinet executive	Mayor and council manager executive	Authority operating alternative arrangements	
Appointment or dismissal of Head of Paid Service	Full council must approve appointment or dismissal of head of paid service.	Full council must approve appointment or dismissal of head of paid service.	Full council appoints or dismisses council manager.	Full council must approve appointment or dismissal of head of paid service.	
Executive objections to appointment or dismissal of senior officers	Yes	Yes	No	No	
Protection of head of paid service, monitoring officer, s.151 finance officer (independent person)	Yes	Yes	Yes, but no protection for council manager if also head of paid service.	Yes	
Appointment, discipline and dismissal of senior officers (deputy chief officer and above)	Appointment of statutory chief officers to be approved by authority or committee. Others may involve elected members if authority wishes. If members involved, must include at least one member of executive.	Appointment of statutory chief officers to be approved by authority or committee. Others may involve elected members if authority wishes. If members involved, must include at least one member of executive.	Must not involve elected members (although members may be allowed in appeals procedures if authority wishes).	Appointment of statutory chief officers to be approved by authority or committee. Others may involve elected members if authority wishes.	
Appointment, discipline and dismissal of officers below deputy chief officer	Must not involve elected members (although members may be involved in appeal procedures if authority wishes).	Must not involve elected members (although members may be involved in appeal procedures if authority wishes).	Must not involve elected members (although members may be involved in appeal procedures if authority wishes).	Must not involve elected members (although members may be involved in appeal procedures if authority wishes).	

