

**AGENDA ITEM:**

<b>REPORT TO:</b> Meeting of the	<b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26<sup>TH</sup> SEPTEMBER 13</b>
<b>REPORT NO.</b>	<b>CFO/114/13</b>
<b>REPORTING OFFICER:</b>	<b>DEPUTY CHIEF FIRE OFFICER</b>
<b>CONTACT OFFICER:</b>	<b>NICK MERNOCK - DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT</b>
<b>OFFICERS CONSULTED:</b>	
<b>SUBJECT:</b>	<b>STATUTORY OFFICERS DISCIPLINE PROCEDURE</b>

<b>APPENDIX (A,B,C)</b>	<b>TITLE</b>
	<b>APPENDIX A-Statutory Officers Discipline Procedure</b>
	<b>APPENDIX B- Management Guidance on Statutory Officers Discipline Procedures</b>
	<b>APPENDIX C- Audit Sub Committee Terms of Reference</b>

**ATTACHED – ELECTRONIC / HARD COPY****1. Purpose of Report**

To seek Members approval of the revised discipline procedure for relevant officers holding statutory positions in Merseyside Fire and Rescue Service which is based on the Local Authorities (Standing Orders) England Regulations 2001.

**2. Recommendation**

- 2.1 That Members approve the introduction of the revised Discipline Procedure for relevant officers attached at appendix A .
- 2.2 That Members approve the changes to the terms of reference to the Audit Sub Committee (attached at Appendix C) which are required in order to put the revised Discipline Procedure into effect.

**3. Introduction & Background**

- 3.1 The Local Authorities (Standing Orders) England Regulations 2001 require a separate disciplinary procedure for statutory positions within a Local Authority. Although a Fire & Rescue Authority is not a relevant authority for the purposes of these regulations statutory officers may only be appointed or dismissed by the Authority and therefore a separate

disciplinary procedure is required. In April 2010 Merseyside Fire and Rescue Authority (MFRA) extended this provision to include (“the Relevant Officer”), namely the following Principal Officers:

- Chief Fire Officer
- Deputy Chief Fire Officer
- Monitoring Officer/Clerk to the Authority
- Deputy Chief Executive.

3.2 The procedure does not apply to:-

- (a) termination of a fixed-term contract of employment where the term of that contract expires without being renewed;
- (b) termination of temporary appointment where the reason for termination is that the need for the employee’s service has expired, or is about to expire;
- (c) termination of employment by reason of redundancy;
- (d) resignation by the employee, or other termination by mutual consent

The Local Authorities Standing Orders (England) Regulations 2001 provide a degree of protection for Chief Executives against unwarranted political interference in their role as heads of paid service of Local Authorities. They require that a Designated Independent Person to investigate and make a recommendation in the event of disciplinary action being considered.

3.3. This procedure also references Standing Order 36 contained within the Merseyside Fire and Rescue Authority constitution and therefore means that no disciplinary action can be taken against a Relevant Officer other than in accordance with a recommendation in a report made by a Designated Independent Person

Where the Investigating and Disciplinary Committee (It is proposed the Audit Sub Committee is appointed as the Investigating and Disciplinary Committee) and the DIP proposes dismissal the Regulations require that opportunity has been given to Members of the Authority to object to the proposal to dismiss before notice of the dismissal is issued.

In order to allow the Audit Sub Committee to be the Investigating and Disciplinary Committee, and for the policy to be effective, changes to the Sub Audit Committee’s terms of reference are required. These changes are set out at paragraph 15.3 and 15.5 of Appendix C.

#### 4. Principles of the Scheme

4.1. The following principles form the basis of discipline procedure proposed:

- Relevant officers are expected to demonstrate the highest standards of behaviour in public life and demonstrate the personal qualities and attributes which are expected of the Fire and Rescue Services Code of Conduct; Service Standards and the Services

Core Values whilst engaged in their roles and in Service activities.

- The Authority ascribes to a set of core values and these should shape the relationship between the Relevant Officers, the Authority; and public perceptions of the Service and their roles within that Service.
- Individuals are entitled to expect fair and reasonable treatment in accordance with the Authorities Core Values and Service Aims.
- Individuals have a right to expect confidentiality in respect of issues concerning themselves;
- Individuals and the Authority also have an obligation to co-operate in concluding issues in a timely and efficient manner;
- Decisions as to conduct of, disciplinary procedures and legal proceedings should only be made by those Officers who have delegated powers to make such decisions, and whom have no direct interest in the case.

4.2. A discipline procedure for the Relevant Officers must also have full regard to the principles and standards as set out in the ACAS Code of Practice on Disciplinary and Capability Procedures.

#### 5. Equality & Diversity Implications

There are no Equality and Diversity implications contained within this report.

#### 6. Staff Implications

There are no direct staff implications associated with this report.

#### 7. Legal Implications

The procedure complies with all legal obligations of an appropriate Discipline Procedure.

#### 8. Financial Implications & Value for Money

There are no direct financial implications by adopting a separate policy for Relevant Officers. However, there may be future implications should a Relevant Officer be subject to an investigation or subsequent disciplinary proceedings and challenge the current operational procedure as unconstitutional. This will be met from existing budgets.

#### 9. Risk Management, Health & Safety, and Environmental Implications

There are no risk management/health and safety/environment issues to consider.

10 Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

The proposed procedure ensures all employees are treated equally in relation to any proposed disciplinary action that may be pertinent in the organisation.

**BACKGROUND PAPERS**

None

**\*Glossary of Terms**

Please list any acronyms used within this Report and appendices, including their meaning.