

## Grievance and Disciplinary Procedures for Chief Officers – Position Paper (11 April, 2022)

### Background

On 5 January 2022 a Report was taken to Full Council recommending the introduction of a new committee known as the Grievance Committee to hear and determine grievances raised by the Chief Executive and Chief Officers and also grievances made against the Chief Executive and Chief Officers. The Report also proposed consequential amendments to the Terms of Reference to the Staffing and Appointment Committee and the Employment (Appeals) Committee (EAC) to clarify roles and responsibilities and to set out the disciplinary procedure for Chief Officers and Deputy Chief Officers.

The Report has since been considered at the Constitutional Working Group and will be taken to Full Council again on 4 May 2022 for approval. In the event that the Grievance Committee is approved, consequential amendments will need to be made to the Council's Disciplinary Policy, Resolving Grievances Policy and Dignity at Work Policy. This position paper sets out the amendments that will be required and responds to questions posed at the CWG meeting relating to Chief Officers' terms and conditions..

### The current position with Council policies and Chief Officers' terms and conditions.

There are currently 54 Chief Officers and Deputy Chief Officers within the Council, including the Chief Executive. There are currently 2 Chief Officers engaged under JNC Chief Officer Terms. In addition, the Chief Executive's contract refers to the JNC model conditions for disciplinary and grievance matters. The JNC Code is reflected in the terms of the proposed Grievance Committee and the updated Terms of the EAC. No updates or amendments are required for these 3 Chief Officers.

The remaining 51 Chief Officers and Deputy Chief Officers are employed under the NCC Senior Manager Terms and Conditions that do not refer to the JNC Code, nor do they reflect the proposed terms of reference for either the Grievance Committee or the EAC. The NCC Senior Manager Terms currently refer to the disciplinary and grievance procedures as follows:

GRIEVANCE	Senior managers are subject to the Council's normal policy and procedures for officers.
DISCIPLINARY	With the exception of the Head of Paid Service, the Monitoring Officer and the s151 Officer, all Executive Directors and Heads of Service will be subject to the Council's Disciplinary Procedures. A separate procedure exists for the head of Paid Service, the Monitoring Officer and the s151 Officer.

The Council's current Disciplinary Policy, Resolving Grievances Policy and Dignity at Work Policy set out the process for Council Officers who are not Chief Officers. There is no reference in the policies to show that there is a separate procedure for Chief Officers. The Council's policies are not contractual and can be changed without the need for formal consultation. The process for updating a policy is that the proposed amendments are put in front of the Policy Sub Group (PSG), which

meets once a month and contains members of the Trade Unions. Once the policy has been approved by PSG the amendments are put in front of the Joint Consultative Committee (JCC) for approval.

**Proposals**

- Amendments will be made to the Disciplinary Policy, Grievance Procedure and Dignity at Work Policy to explain that the policy does not apply to Chief Officers and, in the case of the Disciplinary Procedure, Deputy Chief Officers and direct the reader to either the Grievance Committee or the EAC terms of reference. These amendments will be presented to the PSG and then JCC for information.
- It should be noted that the procedure for grievance and disciplinary matters is essentially the same for Chief Officers / Deputy Chief Officers and other Council Officers - both follow the ACAS Code of Conduct. The difference is that the current policy does not provide for decision takers with sufficient seniority to be involved in the process.
- As explained above, the existing policies are not contractual and, therefore, a policy update does not constitute a change to terms and conditions. Formal consultation is, therefore, not required. However, communication to the affected Chief Officers will take place in order that they fully understand the changes and have the opportunity to ask any questions.
- HR will update the Senior Manager Terms and Conditions which are issued to new Chief Officers, as and when they join the Council which will read as follows:

GRIEVANCE	The grievance procedure which applies to the Chief Executive and Chief Officers is set out in the Grievance Committee terms of reference. All other senior managers are subject to the Council’s normal policy and procedures for officers.
DISCIPLINARY	All Chief Officers and Deputy Chief Officers, including the Head of Paid Service, the Monitoring Officer and the s151 Officer, will be subject to the Disciplinary Procedure that is set out in the Employment (Appeals) Committee Terms of Reference. All other Senior Managers will be subject to the Council’s Disciplinary Procedures.