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To: Ann Greaves <Ann.Greaves@basingstoke.gov.uk>

Cc: William Brooks <William.Brooks@local.gov.uk>

Subject: JNC for Local Authorities CX National Salary Framework and Conditions of Service Handbook

Importance: High

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Dear Ann,

Good to speak to you today and sincere apologies for the late reply.

Further to our conversation I am pleased to confirm my advice. It was recognised by both sides of the JNC for chief executives that not all complaints against the chief executive or other protected officers are appropriate for referral to the standing IDC. This covered in Appendix 5 Para1.3.4 (P32) of the model procedure;

1.3.4 *An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer and the Chair of the IDC would oversee referrals to that Committee.*

To my knowledge the majority of Councils use the monitoring officer to filter complaints ensure that only those that are specific to an individual and are not spurious or vexatious are referred to the IDC for a preliminary investigation. In some smaller local authorities the Council may use the services of the monitoring officer from an neighbouring Council to ensure objectivity but this is not a formal requirement.

To create a panel of members to manage this initial process would in my opinion be over bureaucratic and time consuming. It would be unfair to the officer concerned as trivial or vexatious complaints would gain a higher profile than they warranted potentially damaging the officers reputation. In addition any members who formed part of this initial panel would be ruled out of any subsequent consideration of the complaint if, for example it progressed through the formal process to an appeal.

It is important to note that the model procedure effectively contains a filtering stage . The first hearing of the IC does not make a judgement on the case but decides , in the light of the officer's comments, whether a formal investigation is required. If they decide an investigation is required there will be a subsequent formal hearing. To use members as an earlier filter panel would create a scenario where a complaint could go through three elected member panel hearings and then if upheld a full appeal to Council.

I have set out below an excerpt from appendix 8 Para 2.5 (P89) which deals with grievances against the chief executive. In this context there is a clear role for the monitoring officer as 'The receiving officer', most Councils apply the same approach to complaints .

2.6 *To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the chief executive (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the chief executive or is otherwise involved in the grievance, then another appropriate chief officer and / or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.*

In this context a record of all complaints could be kept by the monitoring officer and audited by the IDC on an annual basis so elected members are happy that all appropriate matters have been given proper consideration.

Best wishes

Adam

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