

## 7. JNC DISCIPLINARY COMMITTEE

### 7.1 Membership

The Committee shall consist of five Members appointed according to the requirements of political proportionality **and subject to a maximum of two Cabinet Members\***. Where casual vacancies arise between Selection Meetings appointments to committee membership shall be made by either the Chief Executive or Monitoring Officer on the instruction of Group Leaders.

### 7.2 Functions

No.	Function
1	To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Statutory Officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer) the Strategic Directors and the Assistant Directors
2	To carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers
3	To consider allegations concerning the conduct or capability of Statutory Officers, the Strategic Directors and the Assistant Directors in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation
4	If appropriate, to suspend a Statutory Officers, a Strategic Director or Assistant Director under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers
5	<p>In respect of Statutory Officers to</p> <ul style="list-style-type: none"> <li>(a) decide whether the issue requires no further formal action; or</li> <li>(b) whether the issue should be referred to a "Designated Independent Person";</li> <li>(c) to be responsible for the appointment and terms of reference for any "Designated Independent Person" (which power can be delegated to an Officer);</li> <li>(d) to receive and consider the report of the Designated Independent Person;</li> <li>(e) to hold a capability or disciplinary hearing.</li> </ul> <p>Following receipt of any DIP report to determine a course of action (up to and including dismissal) within the Council's powers under law and within its procedures. In the case of dismissal, to recommend that course of action to Full Council for final approval.</p> <p>To comply with the notification requirements of Rule 6 of Part 4F of the Constitution (Employment Rules) and to consider any objections from members of the Cabinet to establish whether they are material and/or well-founded.</p>

6	<p>In respect of Strategic Directors and Assistant Directors to</p> <p>(a) to appoint, if appropriate, an investigator to carry out an investigation on behalf of the Committee (which power can be delegated to an Officer);</p> <p>(b) to receive and consider any report of an investigator; or</p> <p>(c) to hold a capability, disciplinary or grievance hearing;</p> <p>(d) following any capability and/or disciplinary hearing, to determine a course of action (up to and including dismissal) within the Council's powers under law and within its procedures, including the procedure set out in Rule 6 of Part 4F of the Constitution (Employment Rules)</p>
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## **JNC APPEALS COMMITTEE**

### **.1 Membership**

The Membership of the JNC Chief Officers' Appeals Committee shall consist of five Members of the Council appointed in accordance with the requirements of political proportionality and to include one Cabinet Member. Members of this Committee may not include any Member of the JNC Disciplinary Committee.

### **.2 Functions**

<b>No.</b>	<b>Function</b>
1	To hear and determine appeals against decisions of the JNC Disciplinary Committee in respect of action taken against any Strategic Director or Assistant Director (other than the Head of Paid Services, Section 151 Officer or Monitoring Officer)
2	To hear and determine any appeals against any action short of dismissal taken by the JNC Disciplinary Committee against the Chief Executive (Head of Paid Service), Section 151 Officer or Monitoring Officer

\* Added by S&SSC on 28<sup>th</sup> October 2010