

SOUTH DERBYSHIRE DISTRICT COUNCIL

SENIOR OFFICER DISMISSAL PROCEDURE

Scope

This Procedure relates to the discipline and dismissal of Senior Officers, namely Head of Paid Service, Corporate Directors and Heads of Service.

Legislative Background

Discipline and dismissal procedures relating to these Officers are covered by the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001 SI No. 3384 ("the Regulations"). The Regulations provide that:

- The dismissal of the Head of Paid Service will require a final decision by Full Council.
- All dismissals of staff below the level of Head of Service should be conducted at Officer level.
- Statutory protection from disciplinary action, except with the involvement of an Independent Person, is extended to include the Monitoring Officer (Head of Legal and Democratic Services), and the Section 151 Officer (Director of Corporate Services).

Definition of disciplinary action

For the purposes of this Procedure the definition of disciplinary action is as follows; '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 and 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.'

Note – this includes action taken on capability grounds.

Introduction

Procedures should be fairly and consistently applied regardless of sex, race, religious belief, ethnic origin, disability, age, marital status or sexual orientation.

Any persons involved in the Procedure must ensure that all information, whether verbal or written, is kept strictly confidential, secured and maintained in accordance with the requirements of the Data Protection Act 1998 and not passed on to any person not involved in the Procedure. Disciplinary action may result from any breach of confidentiality.

In general, informal conciliation is to be preferred to formal procedures

Members will not be involved in disciplinary action against any employee below the level of Head of Service, except where such involvement is necessary for any investigation or in the event of an appeal by the Officer concerned.

Delegated Authority

To enable the effective consideration of these matters, the Council can, through its Constitution, delegate the power to discipline and dismiss Senior Officers to representatives bodies of standing Committees. This would have the benefit of only having to require the attendance of a set number of Members at meetings and also provide more options to convene an appeal.

For the Head of Paid Service this would need to be approved by Full Council. This could either be direct to a panel of Members or delegated to the Finance and Management Committee, who could then delegate in a similar way. The authority to dismiss would also be delegated to the panel who would then report their decision to Full Council for approval. An Appeal* would then need to be heard by other Members of the Council not previously involved in the matter. The current advice is that once a decision is taken by Full Council to dismiss this could forgo the right of appeal, as there is no higher body to consider such action.

For Statutory Officers, Director of Corporate Services (Section 151 Officer) and Head of Legal and Democratic Services (Monitoring Officer), the delegation would be from Finance and Management Committee. The authority to dismiss would be delegated to a panel who would then report their decision back to Finance and Management Committee. An Appeal could then be heard by other Members of this Committee or, if necessary, other Members appointed by Full Council.

Note that the extended protection to involve a Designated Independent Person would be invoked.

For Heads of Service the delegation would be from Finance and Management Committee. The authority to dismiss would be delegated to a panel who would then report their decision back to Finance and Management Committee. An Appeal could then be heard by other Members of this Committee or, if necessary, other Members appointed by Full Council.

*Further guidance on the procedure to provide an appeals process for the Head of Paid Service is currently under discussion at a national level. It is considered best practice that some form of appeal process be enabled within disciplinary matters. With the requirement for Full Council to 'approve' a dismissal, it can be considered providing any further internal appeals will be impossible as all Members would then have had some involvement. It is also considered that final approval by Full Council provides an appropriate mechanism in lieu of an appeal. Therefore all internal avenues have been exhausted and further action by any Officer would need to be taken at an Employment Tribunal.

Procedure

When the need arises for the Council to discipline a Head of Paid Service, Corporate Director or Head of Service, one of the following two procedures should apply;

1) Procedure relating to the discipline and dismissal of a Head of Service (excluding the Monitoring Officer – Head of Legal & Democratic Services), or Director (excluding the Director of Corporate Services - (referred to as the “Officer”)

1. Preliminary Investigation

- 1.1 The purpose of a preliminary investigation is to determine if a question of discipline exists which, if established, could not be resolved without the need for formal steps to take place. The investigation should be undertaken by a Director, or another Head of Service.
- 1.2 It is essential that all parties that may be involved e.g. Head of Paid Service/Elected Members, are fully trained in the process.
- 1.3 Before a formal Investigatory Panel hearing is convened, the Authority will need to be sure that:
 - 1.3.1 The Officer has been notified, in writing, of the allegations that are being investigated and given the opportunity to make representations.
 - 1.3.2 The matter cannot be resolved by informal counselling:
 - 1.3.3 The individual has been interviewed by another Head of Service or Director and given the right to be accompanied by a fellow employee or a by a trade union representative.
- 1.4 If it is determined that there is a potential case to answer, an Investigatory Panel will then be set up. This should include at least three Members chosen from the Finance and Management Committee. At least one member of the Panel should be a representative of the minority party to ensure political balance. It should not include any Member or Officer with direct personal involvement with the allegations, or who participated in the preliminary investigation.
- 1.5 The Panel will normally be advised by either the Head of Paid Service, or the Head of Human Resources.

2 Suspension

- 2.1 Where the Officer’s continuing presence at work may compromise the investigation or impair efficient exercise of the function of the Authority, the Officer may be suspended from duty. The Finance and Management Committee, Head of Paid Service, or, with agreement from Chair/Vice Chair of the Finance and Management Committee, an appropriate designated Officer, acting under delegated powers, may carry out the suspension, which should be on full pay. The reasons for the suspension should be put in writing and given to the Officer within 3 working days
- 2.2 The necessity for the Officer to remain suspended should be reviewed after 20 working days, or sooner if appropriate, and thereafter every 20 working days. Where possible, lengthy periods of suspension should be avoided.

3 Disciplinary Hearing

- 3.1 The Officer will receive ten working days written notice of the meeting. Prior to the meeting the Officer has the right, if so requested, within a reasonable time:
- i) to receive further details of the allegations made and/or
 - ii) to a postponement of the meeting for an agreed period not exceeding 14 working days. The Officer should exchange documentary evidence/witness statements with the Investigatory Panel not less than 5 working days before the hearing.
- 3.2 The disciplinary procedure hearing should be conducted as in Annexe B of the Council's Disciplinary Code and Procedure, replacing 'manager' with 'Chair of the Investigatory Panel'. The Panel will be supported by the Head of Paid Service or Head of Human Resources.

4 Possible Outcomes of a Hearing

- 4.1 If as a result of the hearing the view of the Investigatory Panel is that formal disciplinary action is not appropriate then the Officer will be exonerated. The Officer should be should be informed in writing. All records of the disciplinary hearing and any letters to the Officer shall be removed from their personal file and destroyed.
- 4.2 The Investigatory Panel can state their opinion as to whether (and to what extent) the evidence they have obtained supports any allegations; they may also determine the disciplinary action (if any), which appears appropriate to take against the Officer. The appropriate course of action will be drawn from the following list:
- Formal oral warning; a confirmation of the oral warning must be signed by the Officer to acknowledge receipt and will be placed on his/her file.
 - First written warning
 - Final written warning
 - Suspension on half pay or no pay for a specified period
 - Dismissal with notice
 - Summary dismissal (in cases of gross misconduct)
 - Relegation

The final decision will be given to the Officer in writing at the earliest opportunity following the hearing, and in any event within 5 working days.

If a warning is given it should state:

- The level of improvement required;
- The date by which it is to be achieved;
- What will happen if it is not
- The action being taken to provide any support or learning if required
- How to appeal.

5 Gross Misconduct

- 5.1 When an allegation of gross misconduct is made, normally the Officer should be suspended from duty on full pay. The procedure for investigation would be the same as that set out above.

5.2 Gross misconduct: is misconduct of such a serious nature that the Council is justified in no longer tolerating the employee's continued presence at the place of work. Examples of gross misconduct can be seen in Appendix A.

6.0 Recording of Warnings

6.1 Except in special circumstances any disciplinary action taken should be disregarded for **disciplinary purposes** after the following periods of satisfactory conduct:

- a) Written confirmation of a formal oral warning after six months (from the date of the hearing);
- b) First written warning after 12 months (from the date of the hearing);
- c) Final written warning after 12 months (from the date of the hearing).

6.2 Warnings should cease to be "live" following the specific period of satisfactory conduct or performance and should be disregarded for future disciplinary purposes. There may be occasions where an employee's conduct or performance is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any current warning should last. Exceptionally, there may be circumstances where the misconduct is so serious (i.e. verging on gross misconduct) that it cannot realistically be disregarded for future disciplinary purposes. In such circumstances the written warning can never be removed and any recurrence may lead to dismissal.

6.3 **When determining disciplinary action to be taken, the Investigatory Panel must bear in mind the need to satisfy the test of "reasonableness".** This test will be applied at any Appeal Hearing or Employment Tribunal. Therefore, the Panel must be able to demonstrate that taking a "spent" warning into account is reasonable in view of all the circumstances.

7 Notifying Employees of the outcome of a Disciplinary Hearing

7.1 An employee may not be dismissed for a first breach of discipline **except in the event of gross misconduct.**

7.2 The Chair of the Investigatory Panel will inform the Officer of the decision verbally at the disciplinary hearing. However, in all cases the decision must be confirmed in writing within 5 working days of the hearing (except in the case of a formal oral warning).

8 Appeal Process

8.1 The Officer is allowed full right of appeal.

8.2 An Officer wishing to appeal against the outcome of the Investigatory Panel must do so in writing to the Head of Human Resources. This must be done within 10 working days of receiving written notification of the disciplinary action.

8.3 The appeal will be heard by Members of the Full Council who have had no prior involvement with the matter and must be heard as soon as practically possible. Members who participated in the previous investigation may attend to give evidence but must be excluded during consideration of the decision by the Appeal Panel.

- 8.4 The Officer shall be given not less than five working days' notice of the date and venue of the hearing. Both sides may call witnesses and produce documents relevant to the appeal. Information on witnesses and the documentary evidence to be produced at the appeal will be given, by both sides, no later than five working days before the hearing.
- 8.5 Members will be advised by the Head of Legal and Democratic Services or his/her representative. The Officer will have the right to be represented by a fellow employee or trade union representative.
- 8.6 The Panel may confirm, amend or reject the disciplinary action. The Chair will inform the Officer of the decision verbally at the hearing. However, in all cases the decision will be confirmed in writing within 5 working days of the hearing.
- 8.7 Where the Panel, on appeal, rejects disciplinary action, all records will be removed from the Officer's personal file, including any related correspondence, and destroyed.
- 8.8 The decision made by the Panel shall be final and the Officer will have no further right of internal appeal.

2. Procedure relating to the discipline and dismissal of a Head of Paid Service, Director of Corporate Services and Head of Legal and Democratic Services.

1 Introduction

- 1.1 In the case of an allegation of misconduct or capability against the Head of Paid Service, the matter shall be referred by the Head of Legal and Democratic Services, in their role as Monitoring Officer, to the Leader of the Council. The Head of Legal and Democratic Services will then provide advice and support on the procedure to be followed.
- 1.2 In the case of an allegation of misconduct or capability against the Director of Corporate Services or Head of Legal and Democratic Services, the matter shall be initially referred to the Head of Paid Service.
- 1.3 Whether the matter is an allegation against the Head of Paid Service or against the Director of Corporate Services, or the Head of Legal and Democratic Services, the initial step shall be to decide (with the help of an independent advisor if necessary) whether the allegations appear to have any substance or material.
- 1.4 Before a formal Investigatory Panel hearing is convened, the Authority will need to be sure that:
 - 1.4.1 The Officer has been notified, in writing, of the allegations that are being investigated and given the opportunity to make representations..
 - 1.4.2 The matter cannot be resolved by informal counselling:
 - 1.4.3 The individual has been interviewed by the Leader or Head of Paid Service, as appropriate, and given the right to be accompanied by a fellow employee or a by a trade union representative.
- 1.5 If the Head of Paid Service, or Leader of the Council, as the case may be, consider that the allegation has no substance or material, then they shall confirm that in writing to the person who raised the allegation and that shall be the end of the matter.
- 1.6 If the Leader or the Head of Paid Service, as the case may be, considers that there is some substance to the allegation of misconduct, then he/she shall seek to appoint a Designated Independent Person to conduct an investigation.

2 Appointment of an Independent Person

- 2.1 Where an allegation of misconduct by the Head of Paid Service, Director of Corporate Services, or Head of Legal and Democratic Services requires to be investigated, the Authority must appoint a "Designated Independent Person" for the purposes of producing a report, as detailed in Appendix B. The Designated Independent Person must be such a person as may be agreed between the Authority and the Officer concerned or, in the absence of such an agreement, the Designated Independent Person shall be nominated by the Secretary of State.
- 2.2 No disciplinary action in respect of the Head of Paid Service, Director of Corporate Services or Head of Legal and Democratic Services may be taken by the Council (except that of suspension for the purposes of investigating alleged misconduct), or by a Committee, Sub-Committee, a joint Committee on which SDDC is represented or by any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a Designated Independent Person.

- 2.3 The Authority must pay a reasonable remuneration to a Designated Independent Person appointed by the Council and any costs incurred in connection with, the discharge of the functions under this Procedure.

3 Suspension

- 3.1 The Leader or the Head of Paid Service (as appropriate) should first consider whether suspension of the Officer is necessary, bearing in mind the circumstances and whether the continuing presence at work might compromise the investigation or impair the efficient exercise of the Authority's functions.
- 3.2 If suspension is considered appropriate the Officer may be immediately suspended by the Leader or the Head of Paid Service, (as appropriate), for the purposes of investigating the alleged misconduct. Written notice stating the reasons for any such suspension shall be given within 3 working days.
- 3.3 The suspension must be on full pay and be for no longer than an initial period of eight weeks beginning on the day that the suspension takes effect. It shall be subject to the direction of the Designated Independent Person who may direct the Authority to terminate the suspension, to continue it or to vary the terms upon which it has taken place.

4 Preliminary Investigation

- 4.1 Once a Designated Independent Person has been appointed s/he shall carry out a preliminary investigation. Once the preliminary investigation has commenced the Designated Independent Person will notify the relevant Officer in writing of the allegations being investigated and will ask them for written representations within five working days (or such longer period as is reasonable in the circumstances). If the Designated Independent Person considers it necessary, he may interview other witnesses or call for relevant documents to be disclosed, but at this stage a full investigation need not be carried out.
- 4.2 The investigation only needs to be sufficient to make an initial assessment as to whether the allegation has substance or whether no further action should be taken.
- 4.3 If in the opinion of the Designated Independent Person, the preliminary investigation reveals that the misconduct or disciplinary action is of such a nature that should be dealt with informally (i.e. without a recorded warning on the personal file), then the Designated Independent Person shall record this in his report to the Head of Paid Service or Leader, (as appropriate), and no further action shall be taken other than the informal action recommended by the Designated Independent Person
- 4.4 If, in the opinion of the Designated Independent Person, the preliminary investigation reveals that the misconduct or disciplinary action is of such a nature that should be dealt with formally, then s/he shall notify the Officer under investigation, in writing, of the allegations that are being investigated. The Officer should then be allowed five working days, (or such longer period as is reasonable in the circumstances), to prepare a response to the allegation. During the investigation the Officer has a right to have a meeting with the Designated Independent Person and to be represented by his Trade Union representative or a fellow employee. If the Designated Independent Person has evidence from third parties then this evidence must be evaluated and if intended to form the basis of the case shall be put to the Officer concerned so that they may respond.

5 Disciplinary Hearing

- 5.1 Following submission of the Designated Independent Person's report to the Leader of the Council or Head of Paid Service (as appropriate), they shall appoint an Investigatory Panel. The Panel should include at least three members chosen from the Full Council for the Head of Paid Service or Finance and Management Committee for the Director of Corporate Services or Head of Legal and Democratic Services. At least one member of the Panel should be a representative of the minority party to ensure political balance. It should not include any Member with direct personal involvement with the allegations, or who participated in the preliminary investigation. Any Officer advising the Panel will, where possible, have had no previous involvement in the matter.
- 5.2 The relevant Officer should be given at least ten working days notice of the date of the hearing. A postponement of the date for a period to be agreed between the parties or, in default of agreement, for a period not exceeding ten working days may be granted on request. The Head of Paid Service, Director of Corporate Services or Head of Legal and Democratic Services should exchange documentary evidence with the Investigatory Panel not less than 5 working days before the hearing.
- 5.3 At the hearing the Officer is entitled to be present and has the right to be represented by his Trade Union representative, or fellow employee.
- 5.4 The Procedure to be followed will follow that contained within the Council's Disciplinary Code and Procedure. The Designated Independent Person will submit a report detailing evidence relating to the allegations against the Officer calling witnesses and/or the submission of relevant documents, where appropriate. Such witnesses may be cross-examined by, or on behalf of the Officer under investigation. The Officer may give evidence and call any witnesses and submit any relevant documents. These witnesses shall be open to cross-examination by the Designated Independent Person and the Investigatory Panel. Both parties have the right to sum up at the end of the case.

6 Possible Outcomes of the Hearing

- 6.1 The Investigatory Panel may make the following recommendations to Full Council for the Head of Paid Service or Finance and Management Committee for the Director of Corporate Resources, or Head of Legal and Democratic Services:
- 6.2 If as a result of the hearing the view of the Panel is that formal disciplinary action is not appropriate then the Officer will be exonerated. The Officer should be informed in writing within 5 working days. All records of the disciplinary hearing and any letters to the Officer concerned shall be removed from the employee's personal file and destroyed.
- 6.3 The Panel can state their opinion as to whether (and to what extent) the evidence that they have obtained, including the Designated Independent Person's report, supports any allegations; and
 - (i) agree with the disciplinary action recommended in the Designated Independent Person's report; or
 - (ii) state reasons why it disagrees and make such other recommendations as it considers appropriate which could be drawn from the following list:
 - Formal oral warning; a confirmation of the oral warning must be signed by the Officer to acknowledge receipt and will be placed on his/her file.
 - First written warning
 - Final written warning

- Suspension on half pay or no pay for a specified period
 - Dismissal with notice
 - Summary dismissal (in cases of gross misconduct)
 - Relegation
- 6.4 Full Council must approve the dismissal of the Head of Paid Service before the notice of dismissal is given. The report of the Investigatory Panel shall go to Full Council who shall act as “dismissor” in the event of dismissal. If any objection is made Full Council will consider the objection and only approve the dismissal if it is satisfied that the objection is not material or not well founded.
- 6.5 Finance and Management Committee should note the decision in matters relating to the Director of Corporate Services or Head of Legal and Democratic Services. The final decision will be given to the Head of Paid Service, Director of Corporate Services or Head of Legal and Democratic Services, as applicable, in writing at the earliest opportunity following the hearing and in any event within 5 working days.
- 6.6 If a warning is given it should state:
- The level of improvement required;
 - The date by which it is to be achieved;
 - What will happen if it is not;
 - The action being taken to provide any support or learning if required;
 - Director- Corporate Services and Head of Legal and Democratic Services right of appeal to Full Council;
 - No further opportunity to appeal internally is available for the Head of Paid Service.

7 Gross Misconduct

- 7.1 When the case appears to be one of gross misconduct, normally the Officer should be suspended from duty on full pay. The procedure for investigation would be the same as that set out above.
- 7.2 Gross misconduct: is misconduct of such a serious nature that the council is justified in no longer tolerating the employee’s continued presence at the place of work. Examples of gross misconduct can be seen in Appendix A.

8 Recording of Warnings

- 8.1 Except in special circumstances any disciplinary action taken should be disregarded for **disciplinary purposes** after the following periods of satisfactory conduct:
- a) Written confirmation of a formal oral warning after six months (from the date of the hearing);
 - b) First written warning after 12 months (from the date of the hearing);
 - c) Final written warning after 12 months (from the date of the hearing).

8.2 Warnings should cease to be “live” following the specific period of satisfactory conduct or performance and should be disregarded for future disciplinary purposes. There may be occasions where an employee’s conduct or performance is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse, the employee’s disciplinary record should be borne in mind in deciding how long any current warning should last. Exceptionally, there may be circumstances where the misconduct is so serious (i.e. verging on gross misconduct) that it cannot realistically be disregarded for future disciplinary purposes. In such circumstances the written warning can never be removed and any recurrence may lead to dismissal.

8.3 **When determining disciplinary action to be taken, the Investigatory Panel must bear in mind the need to satisfy the test of “reasonableness”.** This test will be applied at any Appeal Hearing or Employment Tribunal. Therefore, the Chair must be able to demonstrate that taking a “spent” warning into account is reasonable in view of all the circumstances.

9.0 Notifying relevant officers of the outcome of a Disciplinary Hearing

9.1 The Chair of the Investigatory Panel will inform the Officer of the decision verbally at the disciplinary hearing. However, in all cases the decision must be confirmed in writing within 5 working days of the hearing (except in the case of a formal oral warning).

10 Appeal Process - Head of Legal and Democratic Services and Director of Corporate Services.

10.1 The Officer is allowed full right of appeal.

10.2 An Officer wishing to appeal against the recommendation of the Investigatory Panel and the Designated Independent Person to Full Council, must do so in writing to the Head of Human Resources. This must be done within 10 working days of receiving written notification of the disciplinary action.

10.3 The appeal will be heard by Full Council and must be heard as soon as practically possible. Full Council shall conduct the process as a review of the matter and not a re-hearing and therefore no witnesses shall be called.

10.4 The Officer shall be given not less than five working days’ notice of the date and venue of the appeal. Both sides may make representations and Members may ask questions through the Chair. The Designated Independent Person and/or Investigatory Panel shall respond to the representations. Both sides may then make a closing summation.

10.5 Members will be advised by the Head of Legal and Democratic Services or in the case of the disciplinary action being taken against them an independent legal advisor.

10.6 Members shall then deliberate in private and shall notify the Head of Human Resources of its decision within three working days.

10.7 Full Council may confirm amend or reject the disciplinary action. This will be confirmed, in writing, to the Officer under investigation, by the Head of Human Resources within five working days of the Appeal.

10.8 Where Council, on appeal, rejects disciplinary action; all records will be removed from the officer’s personal file, including any related correspondence, and destroyed.

10.9 The decision made by Full Council shall be final and the Officer will have no further right of appeal.

EXAMPLES OF GROSS MISCONDUCT

Gross misconduct is defined as misconduct of such a serious nature that the Council is justified in no longer tolerating the employee's continued presence at work. An allegation of gross misconduct may lead to immediate suspension from work pending investigation. Where, on the balance of probabilities, the allegations are substantiated, summary dismissal (dismissal without notice) may follow.

Examples of gross misconduct that apply to all employees of the Council include: -

- Serious failure to comply with or operate the Council's Equal Opportunities Policy.
- Serious bullying, victimisation or harassment against another employee, client or member of the public.
- Acts of violence including the physical assault of an employee, client, or member of the public during an employee's working hours or in connection with their employment with the Council.
- Unauthorised removal, possession, use or theft of property belonging to the Council, an employee, client or member of the public.
- Falsification of records.
- Deliberate damage to property.
- Serious insubordination.
- Misuse of the Council's name or bringing the Council into serious disrepute.
- Fraud, acceptance of bribes or other corrupt practices.
- Disclosure of confidential matters or deliberate unauthorised use of disclosure of any computer held or computer generated information from which an individual can be identified.
- Abuse of e-mail or Internet Access
- Serious incapacity whilst on duty brought about by alcohol or illegal drugs.
- Serious negligence which causes or might cause unacceptable loss, damage or injury.
- Serious breaches of health and safety rules/regulations including creating serious risk to employees or others and deliberate damage or misappropriation of safety equipment.
- Holding unauthorised paid/unpaid secondary employment during paid Council time.
- Criminal offences committed in relation to the employee's work
- Deliberate falsification or omission of information on an employee's application form

This list is neither exclusive nor exhaustive but represents examples within the Council's definition of gross misconduct. Additionally, the list is not in any order of importance.

APPENDIX B

RESPONSIBILITIES OF A DESIGNATED INDEPENDENT PERSON

During the investigation, the Designated Independent Person: -

a) may direct: -

- i) that the Council shall terminate any suspension of the relevant Officer;
- (ii) that any such suspension must continue after the expiry of the initial period of up to 8 weeks.
- (iii) that the terms on which any such suspension has taken place must be varied; or
- (iv) that no steps, (whether by the Authority or any Committee or Sub-Committee or Officer acting on behalf of the Authority), towards Disciplinary Action or further Disciplinary Action against the relevant Officer, other than steps taken in the presence, or with the agreement of the Designated Independent Person, are to be taken before the report referred to in subparagraph (d) below.

(b) may inspect any documents relating to the conduct or performance of the relevant Officer which are in the possession of the Authority, or which the Authority has power to authorise inspection;

(c) may require any member of staff of the Authority to answer questions concerning the conduct of the relevant Officer;

(d) must make a report to the appropriate Committee of the Authority: -

- i) stating opinion as to whether (and if so, the extent to which) the evidence s/he has obtained supports any allegation of misconduct against the relevant Officer; and
- (ii) recommending any disciplinary action which appears to be appropriate for the Authority to take against the relevant Officer; and

(e) must, no later than the time at which s/he makes his/her report under subparagraph (d), send a copy of the report to the relevant Officer.