
STATUTORY INSTRUMENTS

2001 No. 3384

The Local Authorities (Standing Orders) (England) Regulations 2001

Investigation of alleged misconduct

7.—(1) Subject to paragraph (5), where, after a local authority has incorporated provisions in standing orders pursuant to regulation 6, it appears to the local authority that an allegation of misconduct by—

- (a) the head of the authority's paid service;
- (b) its monitoring officer; or
- (c) its chief finance officer,

as the case may be, ("the relevant officer"), requires to be investigated, the authority must appoint a person ("the designated independent person") for the purposes of the standing order which incorporates the provisions in Schedule 3 (or provisions to the like effect).

(2) The designated independent person must be such person as may be agreed between the authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.

(3) The designated independent person—

- (a) may direct—
 - (i) that the authority terminate any suspension of the relevant officer;
 - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph 3 of Schedule 3 (or in provisions to the like effect);
 - (iii) that the terms on which any such suspension has taken place must be varied in accordance with the direction; or
 - (iv) that no steps (whether by the authority or any committee, 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 a report is made under sub-paragraph (d);
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the authority has power to authorise him to inspect;
- (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 authority—
 - (i) stating his opinion as to whether (and, if so, the extent to which) the evidence he has obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears to him to be appropriate for the authority to take against the relevant officer; and

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- (e) must no later than the time at which he makes his report under sub-paragraph (d), send a copy of the report to the relevant officer.
- (4) A local authority must pay reasonable remuneration to a designated independent person appointed by the authority and any costs incurred by him in, or in connection with, the discharge of his functions under this regulation.
- (5) This regulation shall not apply in relation to the head of the authority's paid service if he is also the council manager of the authority⁽¹⁾.

(1) Neither a monitoring officer nor a chief finance officer of an authority may be a council manager: see paragraph 13(b) and (c) of Schedule 1 to the 2000 Act.