

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	5 September 2025
Decision Maker (Officer):	Katie Wilkins, Assistant Director - People
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	This decision is made under the delegated authority granted to the Assistant Director – People, as set out in Part 3 of the Council's Constitution, schedule 3 – Responsibility for Executive Functions delegated to Officers. Specifically, paragraph 4.3(1) provides that the Corporate Director/Assistant Director – People have authority to discharge executive functions within their respective service areas. All delegations are subject to consultation were considered appropriate in the circumstances (paragraph 4.3(4)(ii)). Under Article 12 of the Tendring District Council Constitution, the Head of Paid Service is authorised to: <i>'Lead and manage the Council's workforce, ensuring staffing arrangements support the effective delivery of services'</i>. The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'. This extends to the agreement on key personnel policies. The decision also reflects the formal resolutions of Full Council (Minute 136, 25 March 2025) and the Human Resources and Council Tax Committee (Minute 20, 24 February 2025), which approved amendments to the

	Committee's Terms of Reference to include the determination of Employment Appeals of Chief Officers, and the establishment of a Chief Officer Employment Appeals Sub-Committee. These decisions were made in accordance with the Council's Officer Employment Procedure Rules and the statutory framework set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr Jayne Chapman – Chair of the Human Resources and Council Tax Committee.
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	1. To formally adopt the revised Disciplinary Policy and Procedures for Chief Officers and their deputies (direct reports) as defined within the Authority's Pay Policy Statement, following formal consultation with affected staff and recognised union officials. 2. To formally adopt the resulting changes to the updated Disciplinary Policy and Procedures applicable to all non-Chief Officers, following consultation with recognised union officials, ensuring consistency with statutory guidance, organisational governance, and best practice.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The decision to adopt the revised Disciplinary Policy and Procedures for Chief Officers and their deputies, as well as for non-Chief Officers, follows a comprehensive review of the Council's Human Resources framework. This review was undertaken in response to changes approved by Full Council to the Terms of Reference of the Human Resources and Council Tax Committee, and the establishment of a Chief Officer Employment Appeals Sub-Committee. The revisions ensure compliance with national guidance, including the Joint Negotiating Committee (JNC) Handbooks, and align with the Council's Constitution and governance requirements. The updated procedures reflect best practice, support fair

	and transparent processes, and ensure consistency across all levels of the organisation.	
Highlight any associated risks/finance/legal/equality considerations:	- Legal: The revised procedures ensure compliance with statutory requirements, including the Local Authorities (Standing Orders) (England) Regulations and the JNC Conditions of Service for Chief Executives and Chief Officers. Failure to implement compliant procedures could expose the Council to legal challenge. - Finance: The implementation of the revised procedures will be managed within existing budgets and staffing resources. - Equality: The procedures have been reviewed to ensure they uphold the Council's obligations under the Equality Act 2010. No adverse impacts on protected characteristics have been identified. - Risk: Without appropriate disciplinary and appeals procedures in place, the Council could be in breach of employment terms and conditions, potentially leading to reputational and legal risks. Training will be provided to ensure proper implementation and understanding of the revised procedures.	
NEW: Details of Local Government Reorganisation and/or Devolution considerations	The revised disciplinary procedures have been developed with due consideration to the implications of Local Government Reorganisation and/or Devolution, ensuring alignment with emerging governance structures and statutory responsibilities.	
Details of any Alternative Options Considered and rejected (together with reasons):	The alternative option of retaining the existing disciplinary procedures was considered. However, this was deemed inappropriate due to changes in governance structures, national guidance updates, and the need for consistency and legal compliance	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A	
		Not applicable – Decision [and report] to be published

Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>	If Report is not to be published – tick one of the following boxes:	
	☐	The report supporting the Decision contains confidential information
	☐	The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
	☐	• Relates to an individual
	☐	• Likely to reveal the identity of an individual
	☐	• Relating to financial or business affairs of a person or organisation
	☐	• Relates to a claim for legal professional privilege in legal proceedings
	☐	• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
	☐	• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
<u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Reasons: [insert]		

Officers

Signed: Katie Wilkins

Title: **Assistant Director - People**

In consultation with:

Signed: Ian Davidson

Title: **Chief Executive/Head of Paid Service**

Dated: 5 September 2025