

Issues that have been raised nationally about the new process

- 1) **Distinguishing between dismissal and disciplinary action**
 - a. The regulations state that the new independent panel process must be followed before a Chief Officer can be dismissed. No such obligation applies to other disciplinary action sanctions (unlike the current DIP process). However the view is that it is not often that a disciplinary process will be followed which will not have dismissal as a possible sanction.

- 2) **Expertise of the independent panel members**
 - a. It is thought that panel members appointed for the purpose of the members code of conduct under S28 of the Localism Act may well not have the necessary expertise to carry out the investigation and report. The authority will still need to ensure that a proper investigation is carried out as part of the process and so may need to appoint a DIP type person to undertake this role.

- 3) **Invites to the independent panel**
 - a. The regulations state that the authority must invite "relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two". It is thought that authorities will have to invite all their independent persons and then appoint in accordance with the priority order set by the regulations. An authority could have a panel larger than 2 and so the authority can decide on the size and the selection criteria (as long as it is line with the recommendations).

- 4) **Recommending a level of sanction**
 - a. There is no sanction recommendation requirement so the panel could opt out. Full Council could also decide on a more serious sanction than the panel recommended although this might cause a problem in any future tribunals.

- 5) **Who advises the panel?**
 - a. The regulations do not state who should advise the panel and so an authority may want to set up an advice system involving an external independent adviser.