
STATUTORY INSTRUMENTS

1993 No. 202

The Local Authorities (Standing Orders) Regulations 1993

PART II

STANDING ORDERS RELATING TO CHIEF OFFICERS

Investigation of alleged misconduct

3.—(1) Where after standing orders have been made in pursuance of regulation 2 it appears to a relevant authority that a complaint of misconduct by the head of its paid service (“the relevant officer”) requires to be investigated, the authority shall appoint for the purposes of the standing order numbered 4 in Schedule 1 a person (“the designated independent person”), being such person as may be agreed between the authority and the relevant officer or, in default of such agreement, appointed by the Secretary of State.

(2) The designated independent person—

(a) may direct—

(i) that the authority terminate any suspension of the relevant officer, or

(ii) that any such suspension shall continue after the expiry of the period mentioned in standing order 4(2), or, as the case may be, the expiry of any period specified in any such previous direction, or

(iii) that the terms on which any such suspension has taken place shall be varied in accordance with the direction;

(iv) that no steps (whether by the authority or any committee, sub-committee or officer of theirs) 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) below;

(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 officer of the authority to answer questions concerning the conduct of the relevant officer;

(d) shall 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

(e) shall 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) A relevant authority shall pay the remuneration of a relevant designated independent person, and any costs incurred by him in or in connection with the discharge of his functions under this regulation.