



Disciplinary and Dismissal Procedure

Chief Executive and Chief Finance Officer

1. Where it appears that an allegation of misconduct (or gross misconduct) has been made which may lead to disciplinary action in respect of the Chief Executive and / or the Chief Finance Officer (“the relevant officer”) or the dismissal of the relevant officer is being considered, the Police and Crime Commissioner for Lincolnshire (“the Commissioner”) shall appoint a panel of 3 independent persons (“an independent panel”)
2. The independent panel must:
 - 2.1 consist of a minimum of 3 persons
 - 2.2 within one month of its appointment consider the allegation of misconduct or proposal for dismissal and decide whether it should be further investigated or progressed
3. For the purpose of considering an allegation of misconduct (or gross misconduct) the independent panel:
 - 3.1 may make such enquiries of the relevant officer or any other person as it considers appropriate
 - 3.2 may request the relevant officer or any other person to provide it with information explanation and / or documents as it considers necessary within a specified and reasonable period of time, and
 - 3.3 must consider any written or oral representations made by or on behalf of the relevant officer and may receive written or oral representations from any other person.
4. Where it appears to the independent panel that an allegation of misconduct (or gross misconduct) by the relevant officer should be further investigated it must recommend to the Commissioner the appointment of a person “the designated independent person”
5. The designated independent person:
 - 5.1 must be a Chief Executive or Chief Finance Officer employed by another Police and Crime Commissioner or an equivalent officer of a local authority;
 - 5.2 should wherever possible be selected by agreement between the Commissioner and the relevant officer, or where there is no such agreement, must be such person as is nominated for the purpose by the Commissioner
 - 5.3 must be appointed within 1 month of the date on which the requirement to appoint a designated independent person arose

6. The designated independent person:
 - 6.1 may recommend to the Commissioner that any suspension of the relevant officer be terminated
 - 6.2 may recommend to the Commissioner that any suspension should continue
 - 6.3 may recommend to the Commissioner that the terms of any suspension be varied including the period of time the suspension shall subsist
 - 6.4 may recommend to the Commissioner that no steps by way of disciplinary action further disciplinary action against or dismissal of the relevant officer other than steps taken in the presence or with the agreement of the designated independent person be taken or given effect before a report is made under sub-paragraph 6.8
 - 6.5 may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Commissioner or within the Office of the Police and Crime Commissioner for Lincolnshire or the Lincolnshire Police or which the Commissioner or Lincolnshire Police has power to authorise the designated independent person to inspect
 - 6.6 may require any member of staff under the direction and control of the Commissioner to answer questions concerning the conduct of the relevant officer
 - 6.7 may request any officer or employee under the direction and control of the Chief Constable of Lincolnshire Police to answer questions concerning the conduct of the relevant officer
 - 6.8 must make a report to the Commissioner:
 - 6.8.1 stating an opinion as to whether and if so the extent to which the evidence obtained supports any allegation of misconduct against the relevant officer
 - 6.8.2 stating an opinion on the relevant considerations applicable to any dismissal of the relevant officer that is being considered or likely to be brought about; and
 - 6.8.3 recommending any action which appears appropriate for the Commissioner to take in respect of the relevant officer
 - 6.9 must no later than the time at which the report is made under this sub-paragraph send a copy of the report to the relevant officer
7. Subject to paragraph 8 the relevant officer and the Commissioner must after consulting the designated independent person attempt to agree a timetable within which the designated independent person is to undertake the investigation
8. Where there is no agreement under paragraph 7 the designated independent person must set such a timetable as he/she considers appropriate within which the investigation is to be undertaken
9. The Commissioner must:
 - 9.1 No later than within 1 month of receipt of a report prepared under paragraph 6 consider that report together with any representations made by the relevant officer, and
 - 9.2 where appropriate convene a disciplinary hearing or such other meeting as considered appropriate by the Commissioner to which the relevant officer should be invited to attend, and

- 9.3 make appropriate decisions taking account of the recommendations contained with the report and the representations by or on behalf of the relevant officer
10. The Commissioner may suspend a relevant officer for the purposes of considering and investigating an allegation under the procedures set out above. Any such suspension should only be authorised where that suspension:
- 10.1 is necessary for the purpose of investigating the alleged misconduct (or gross misconduct),
 - 10.2 is on full pay and
 - 10.3 terminates no later than the expiry of two months beginning on the day on which the suspension takes effect or for such time as recommended by the designated independent person under paragraph 6.3

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