

JULY 2009

OFFICER EMPLOYMENT PROCEDURE RULES

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1. Recruitment and Appointment

a. Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Strategic Director or an officer nominated by her/him.

b. Seeking support for appointment

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- (iii) A Councillor may write a character reference giving her/his views of the candidate's ability or experience when he/she applies for an appointment, but must not try to gain the candidate preferential treatment.

2. Recruitment of Head of Paid Service and Chief Officers (*known as Strategic Directors*)

- a. Where the authority proposes to appoint a Chief Officer, and it is not proposed that the appointment shall be made exclusively from among their existing officers, arrangements shall be made:
 - (i) To draw up a statement specifying:
 - The duties of the officer concerned, and
 - Any qualifications or qualities to be sought in the person to be appointed;
 - (ii) For the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (iii) For a copy of the statement mentioned in paragraph (i) to be

sent to any person on request;

- b. Where a post has been advertised as provided in (a) above the Council shall make arrangements to:
 - Interview all qualified applicants for the post, or
 - Select a shortlist of such qualified applicants and interview those included on the shortlist.
- c. Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with (a)(ii) above.

3. Appointment of Head of Paid Service

- a. The appointment of the Head of Paid Service shall not be made by the Executive.
- b. The Council will approve (before an offer of appointment is made) the appointment of the Head of Paid Service following the recommendation of such an appointment by the relevant Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.
- c. An offer of appointment to the post of Head of Paid Service must not be made by Council until:
 - (i) The Committee or Sub-Committee has notified the Head of Human Resources and Organisational Development of the name of the person to be offered the post and any other particulars relevant to the appointment.
 - (ii) The Head of Human Resources and Organisational Development has notified every member of the Executive of:
 - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
 - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Head of Human Resources and Organisational Development; and
 - (iii) Either:
 - The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Council that neither he/she nor any other member of the Executive has any objection to the making of the offer.

- The Head of Human Resources and Organisational Development has notified the Council that no objection was received by her/him within that period from the Leader of the Council; or
- The Council is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

4. Appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer

- a. The appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer shall not be made by the Executive.
- b. A Committee or Sub-Committee of the Council will appoint Chief Officers, the Monitoring Officer and the Chief Finance Officer, as defined in Article 12 of the Constitution. That Committee or Sub-Committee must include at least one member of the Executive.
- c. An offer of appointment to a Strategic Director, Monitoring Officer and Chief Finance Officer post must not be made by the Committee or Sub-Committee until:
 - (i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person to be offered the post and any other particulars relevant to the appointment;
 - (ii) The Head of Paid Service has notified every member of the Executive of:-
 - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
 - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and
 - (iii) Either:-
 - The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Executive has any objection to the making of the offer;
 - The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him

- within that period from the Leader of the Council; or
- The Committee or Sub-Committee is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

5. **Appointment of Heads of Service**

- a. The appointment of Heads of Service shall not be made by the Executive.
- b. The appointment of Heads of Service will be made by the Head of Paid Service or her/his nominee.
- c. An offer of appointment to a Head of Service post must not be made by the Head of Paid Service or her/his nominee until the Head of Paid Service has notified every member of the Executive of:
 - The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
 - The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; andeither:
 - The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Head of Paid Service that neither he/she nor any other member of the Executive has any objection to the making of the offer; or
 - The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

6. **Other Appointments**

- a. **Officers below Heads of Service.** The appointment of officers below the level of Heads of Service (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or her/his nominee.
- b. **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. **Disciplinary Action**

- a. The definition of “disciplinary action” is that detailed in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- b. No disciplinary action in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, except action described in (c) below, may be taken by the Council, or a Committee or Sub-Committee acting on its behalf, other than in accordance with a recommendation in a report made by a designated independent person appointed under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- c. The Council may suspend the Head of Paid Service, Monitoring Officer and Chief Finance Officer for the purpose of investigating the alleged misconduct occasioning the disciplinary action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- d. The appointment of the designated independent person must be agreed between the Authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.
- e. The designated independent person:
 - (i) May direct:
 - That the Authority terminate any suspension of the relevant officer.
 - That any such suspension must continue after the expiry of the two month period referred to in paragraph (c) above.
 - That the terms on which any such suspension has taken place must be varied in accordance with the direction.
 - That no steps be taken by 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, before a report is made to the Authority under sub-paragraph (iv) below.
 - (ii) 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 her/him to inspect.
 - (iii) May require any member of staff of the Authority to answer questions concerning the conduct of the relevant officer.

- (iv) Must make a report to the Authority:
 - Stating her/his opinion as to whether (and, if so, the extent to which) the evidence he/she has obtained supports any allegation of misconduct against the relevant officer; and
 - Recommending any disciplinary action which appears to her/him to be appropriate for the Authority to take against the relevant officer; and
- (v) Must no later than the time at which he/she makes her/his report under sub-paragraph (iv) above, send a copy of the report to the relevant officer.
- f. The Authority must pay reasonable remuneration to the designated independent person and any costs incurred by her/him in, or in connection with, the discharge of her/his functions in relation to the investigation.
- g. Councillors will not be involved in the disciplinary action against any officer below Strategic Director, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. In respect of staff in posts at the level of Head of Service or below, appeals against disciplinary action are heard by the Head of Paid Service or her/his nominee and will be heard by Members only if, for whatever reason, the Head of Paid Service or her/his nominee is unable to do so. Appeals by officers employed on Chief Officer Terms and Conditions (Strategic Directors and Heads of Service) against disciplinary action are heard by Members.

8. Dismissal of Head of Paid Service

- a. The dismissal of the Head of Paid Service shall not be made by the Executive.
- b. The full Council will approve the dismissal (before notice of dismissal is given) of the Head of Paid Service following the recommendation of such a dismissal by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.
- c. Notice of dismissal of the Head of Paid Service must not be given by the Council until:
 - (i) The Committee or Sub-Committee has notified the Head of Human Resources of the name of the person it wishes to be dismissed and any other particulars relevant to the dismissal.
 - (ii) The Head of Human Resources has notified every member of the Executive of:

- The name of the person the Council wishes to dismiss and any other particulars relevant to the dismissal; and
- The period within which any objection to the dismissal is to be made by the Leader of the Council, on behalf of the Executive, to the Head of Human Resources; and

(iii) Either :

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Council that neither he/she nor any other member of the Executive has any objection to the dismissal;
- The Head of Human Resources has notified the Council that no objection was received by her/him within that period from the Leader of the Council; or
- The Council is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

9. Dismissal of Strategic Directors, Monitoring Officer and Chief Finance Officer

- a. The dismissal of Strategic Directors, Monitoring Officer and Chief Finance Officer shall not be made by the Executive.
- b. A Committee or Sub-Committee of the Council will dismiss Strategic Directors, the Monitoring Officer and the Chief Finance Officer, as defined in Article 12 of the Constitution. That Committee or Sub-Committee must include at least one member of the Executive.
- c. Notice of dismissal of a Strategic Director, Monitoring Officer and Chief Finance Officer must not be given by the Committee or Sub-Committee until:
 - (i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person it wishes to be dismissed and any other particulars relevant to the dismissal.
 - (ii) The Head of Paid Service has notified every member of the Executive of:
 - The name of the person the Committee or Sub-Committee wishes to dismiss and any other particulars relevant to the dismissal; and

- The period within which any objection to the dismissal is to be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and

(iii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Executive has any objection to the dismissal;
- The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him within that period from the Leader of the Council; or
- The Committee or Sub-Committee is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

10. Dismissal of Heads of Service

- a. The dismissal of Heads of Service shall not be made by the Executive.
- b. The dismissal of Heads of Service will be made by the Head of Paid Service or her/his nominee.
- c. Notice of dismissal of a Head of Service must not be given by the Head of Paid Service or her/his nominee until:
 - (i) That officer has notified every member of the Executive of:
 - The name of the person the Head of Paid Service wishes to dismiss and any other particulars relevant to the dismissal; and
 - The period within which any objection to the dismissal is to be made by the Leader of the Council, on behalf of the Executive, to the Head of Paid Service; and
 - (ii) Either:
 - The Leader of the Council has, within the period specified in the notice under sub-paragraph (i) above, notified the Head of Paid Service that neither he/she nor any other member of the Executive has any objection to the dismissal; or

- The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

11. Dismissal of Officers below Strategic Director level

The dismissal of officers below the level of Strategic Director will be made by the Head of Paid Service or her/his nominee.

Councillors will not be involved in the dismissal of any officer below Strategic Directors, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures.

NOTE: The provisions in relation to the Head of Paid Service, Strategic Directors and disciplinary action satisfy the requirements of the Local Authorities (Standing Orders) Regulations, 1993 and 2001.