

4.9: OFFICER EMPLOYMENT PROCEDURE RULES

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1. GENERAL

- 1.1** Subject to Rule 1.2 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Authority must be discharged, on behalf of the Authority by the Head of Paid Service or by an officer nominated by him or her.
- 1.2** Rule 1.1 shall not apply to the appointment or dismissal of, or disciplinary action against:
- (a) The Head of the Paid Service.
 - (b) A statutory chief officer.
 - (c) A non-statutory chief officer.
 - (d) A deputy chief officer.
 - (e) A political assistant.
- 1.3** Permanent appointment shall be upon a contract which, unless terminated earlier by either party, would continue for a period of more than 18 months. Interim appointment shall be upon terms which will terminate before the expiry of a period of no more than 18 months, unless extended with the approval of the Appointments Committee (for chief and deputy chief officers) or the Head of Paid Service (for all other officers).
- 1.4** Appointment shall include designation as Head of Paid Service, Chief Finance Officer and Monitoring Officer.

2. RECRUITMENT AND APPOINTMENT

2.1 Declarations

- 2.1.1** 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.
- 2.1.2** No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

2.2 Seeking support for Appointment

- 2.2.1 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.
- 2.2.2 No councillor will seek support for any person for any appointment with the Council.
- 2.2.3 No councillor shall give a reference (oral or written) for a candidate for employment by the Council.

3. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 3.1 Where the Council proposes to appoint a chief officer (including the Head of Paid Service) and it is not proposed that the appointment be made exclusively from among their existing officers or by way of interim appointment, the Council will:

- 3.1.1 draw up a statement specifying:
 - (a) the duties of the officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed.
- 3.1.2 make arrangements 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
- 3.1.3 make arrangements for a copy of the statement mentioned in sub paragraph 3.1.1 to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Committee established in accordance with Rule 5.1 below. That Committee must include at least one member of the Cabinet.
- 4.2 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

5. APPOINTMENT OF CHIEF OFFICERS

- 5.1** All permanent (as opposed to interim) appointments to chief officer posts shall be made on a resolution of the Appointments Committee, which shall be established by the Council. The Appointments Committee must include at least one member of the Cabinet.
- 5.2** An offer of permanent or interim employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.
- 5.3** Subject to paragraph 5.5 below, in these Rules, chief officers are defined as:
- 5.3.1 the Chief Executive (as Head of Paid Service)
 - 5.3.2 the statutory chief officers (Chief Finance Officer and the Monitoring Officer)
 - 5.3.3 the non-statutory chief officers which are:
 - (a) officers for which the Chief Executive is responsible
 - (b) officers in the Chief Executive's Department who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and
 - (c) officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

6. APPOINTMENT OF DEPUTY CHIEF OFFICERS

- 5.4** Subject to paragraph 5.5 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.
- 5.5** All permanent (as opposed to interim) appointments to deputy chief officer shall be made by the Head of Paid Service provided that no well-founded objection from any member of the Cabinet has been received.
- 5.6** Rules 5.3 and 5.4 do not apply to officers whose duties are solely secretarial and clerical or are in the nature of support services or to officers below Head of Service level.

7. PROCEDURE FOR THE PERMANENT APPOINTMENT OF CHIEF OFFICERS

7.1 Appointment Process. The following process will apply after an Appointments Committee has interviewed all shortlisted candidates:

7.1.1 If the Committee agrees on a candidate suitable for the post, it will indicate its 'provisional intention to make an offer' to the Chief Executive.

7.1.2 The Committee will inform the Chief Executive of the name of the candidate to whom it wishes to make an offer together with any relevant particulars which the Committee considers relevant in making the appointment.

7.1.3 The Chief Executive will notify each member of the Cabinet within 24 hours of:

- (a) the name of the person to whom the Committee wishes to make an offer.
- (b) any other particulars relevant to the appointment notified by the Committee.
- (c) the period within which any objection to the making of the offer is to be made by any member of the Cabinet.

7.1.4 The period of objection will be 2 working days. If the period of objection is to be shortened, then notification will be by telephone and e-mail.

7.1.5 If:

- (a) the Leader notifies the Committee that neither he or she or any other member of the Cabinet has an objection to an offer being made; or
- (b) the Chief Executive notifies the Committee that no objection has been received from the Cabinet within the objection period;

the 'provisional intention to make an offer' will become a firm offer and the offer made without the need for the Committee to re-convene.

7.1.6 If an objection is received from a member of the Cabinet, the Committee will re-convene to consider the objection. If the Committee is satisfied that any objection received from the Cabinet is

not material or is not well founded, it will confirm its decision and a formal offer will be made.

8. OTHER APPOINTMENTS

- 8.1** Appointment of officers below deputy chief officer (other than assistants to the political groups) and interim appointment of all officers other than Head of Paid Service shall be the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- 8.2** Appointment of an Assistant to a political group shall be made in accordance with the wishes of that political group.

9. DISCIPLINARY ACTION

- 9.1** **Suspension.** The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 9.2** **Independent Person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- 9.3** Where it appears to the Council that an allegation of misconduct by:
- (a) the Head of Paid Service;
 - (b) the Monitoring Officer; or
 - (c) the Chief Finance Officer
- requires to be investigated, the Council must appoint a person ("the designated independent person") to carry out the investigation.
- 9.4** The designated independent person must be such a person as may be agreed between the Council and the relevant officer, or in default of such agreement, nominated by the Secretary of State.
- 9.5** In the course of the investigation the designated independent person may direct:
- 8.5.1 that the Council terminate any suspension of the relevant officer;
 - 8.5.2 that any such suspension must continue beyond the two month period in 8.1;
 - 8.5.3 that the terms on which any such suspension has taken place must be varied in accordance with the direction; or

- 8.5.4 that no steps (whether by the Council or any Committee, Sub-committee or officer acting on behalf of the Council) 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 8.8 below.
- 9.6** The designated independent person may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has the power to authorise him or her to inspect.
- 9.7** The designated independent person may require any member of the Council's staff to answer questions concerning the conduct of the relevant officer.
- 9.8** The designated independent person must make a report to the Council:
- 8.8.1 stating his/her opinion as to whether (and if so, the extent to which) the evidence he or she has obtained supports any allegation of misconduct against the relevant officer; and
 - 8.8.2 recommending any disciplinary action which appears to him/her to be appropriate for the Council to take against the relevant officer.
- 9.9** The designated independent person must, no later than the time at which they make a report under 8.8. above to the Council, send a copy of the report to the relevant officer.
- 9.10** The Council must pay reasonable remuneration to a designated independent person and any costs incurred by him/her, or in connection with, the discharge of his/her functions.
- 9.11** Members of the Council will not be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to members in respect of disciplinary action.

10. DISMISSAL

- 10.1** Members of the Council will not be involved in the dismissal of any officer below deputy chief officer.
- 10.2** Where a Board, Committee or officer ("the dismisser") proposes to dismiss:
- (i) the Head of Paid Service;
 - (ii) a statutory chief officer;

- (iii) a non-statutory chief officer or,
 - (iv) a deputy chief officer
 - (a) Notice of dismissal must not be given until the dismissor has notified the Head of Paid Service (or where the officer to be dismissed is the Head of Paid Service, the Monitoring Officer) of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and
 - (b) The Head of the Paid Service, or as the case may be, the Monitoring Officer, has notified every member of the Cabinet of:
 - (i) The name of the person whom the dismissor wishes to dismiss;
 - (ii) Any other particulars relevant to the dismissal which the dismissor has notified; and
 - (iii) The period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Paid Service/Monitoring Officer; and
 - (c) Either:
 - (i) The Leader has within the period specified in the notice under 9.2. b) above notified the dismissor that neither he nor she nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) The Head of Paid Service/Monitoring Officer has notified the dismissor that no objection was received by him or her within that period from the Cabinet;
- Or:
- (i) The dismissor is satisfied that any objection received from the Cabinet within that period is not material or is not well founded.