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SECTION H – OFFICER EMPLOYMENT PROCEDURE RULES

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SECTION H – OFFICER EMPLOYMENT PROCEDURE RULES

1. **Recruitment and Appointment****Introduction**

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 Council must be discharged, on behalf of the Council by the **Head of Paid Service** or by an Officer nominated by him/her.

1.2 Rule 1.1 shall not apply to the appointment or dismissal of the Statutory Officers or the appointment of Strategic Directors.

- (a) The Head of 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 an Appointments Sub-Committee (for chief and deputy Chief Statutory Officers) or the **Chief Executive** (for all other Officers).

1.4 Appointment shall include designation as **Head of Paid Service**, **S151 Officer** and **Monitoring Officer**.

Declarations

1.5 Any candidate for any designation or appointment with the Council who knows that he/she is related to a **Councillor** or employee of the Council shall, when making an application, disclose, in writing, that relationship to the Head of Human Resources and Organisation Development. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.

1.6 Every **Councillor** and employee of the Council shall disclose to the Head of Human Resources and Organisation Development any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Council.

1.7 Persons shall be deemed to be related to a candidate or Officer if they are a spouse, civil partner, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, step-parent stepchild, adopted child,

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grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons. This list is indicative, and a judgement will be made based on the closeness of the relationship.

Seeking support for appointment

1.8 Any candidate for designation or appointment who directly or indirectly seeks the support of a **Councillor** or Officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council and shall not give a reference (oral or written) for a candidate for employment by the Council.

1.9 No candidate so related to a Councillor or **Senior Officer** will be appointed without the authority of another the relevant Chief Senior Officer without such connection or an Officer nominated by him/her.

1.10 No Councillor will seek or canvass support for any person for any appointment with the Council.

2. Recruitment of **Head of Paid Service and Chief Officers**

2.1 Where the Council proposes to appoint a n-Chief Officer, (other than on an acting basis) the **Head of Paid Service** or an officer nominated by him/her will:

2.1.1 draw up a statement specifying the duties of the post concerned and a specification of the qualifications or qualities to be sought in the person to be appointed;

2.1.2 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

2.1.3 make arrangements for a copy of the statement mentioned in 2.2.1 to be sent to any person on request.

Where the Council proposes to appoint the Head of Paid Service, the Head of Human Resources and Organisational Development will carry out the above tasks.

2.2 The Appointments Committee will interview all shortlisted qualified applicants for the post.

2.3 Where following the interviews the Head of Paid Service or Head of Human Resources and Organisational Development (as applicable) is of the view that there is no suitable candidate, it will re-advertise the post.

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~~2.4 Where the Council proposes to appoint a Chief Officer (other than on an acting basis) the Head of Paid Service will make arrangements in connection with the appointment.~~

2.2 Where the Council proposes to appoint the **Head of Paid Service** (other than on an acting basis) the Head of Human Resources and Organisational Development will make arrangements in connection with the appointment.

3. Appointment of ~~Head of Paid Service~~Statutory Officers

3.1 Where the Council proposes to ~~a Statutory Officer or a Strategic Director, appoint to the Head of Human Resources and Organisational Development Paid Service, the Appointments Committee~~ will oversee the arrangements for filling the vacancy.

3.2 The **Full Council** will approve the appointment of the **Head of Paid Service** following the recommendation of ~~the an~~ Appointments Sub-Committee, and the Full Council must approve the appointment before an offer of appointment is made.

3.3 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 **Cabinet Member**.

3.4 Where the **Full Council** does not approve the recommendation of the Committee, ~~it~~ shall indicate how it wishes to proceed.

3.5 ~~Statutory Officers other than the Head of Paid Service will be appointed by an Appointments Sub-Committee following a recommendation from the Head of Paid Service.~~

4. Dismissal of ~~Chief Executive, the Monitoring Officer and the S151 Officer~~Statutory Officers

4.1 ~~Dismissal of a Statutory Officer (the Head of Paid Service, the Monitoring Officer and the s151 Officer) Dismissal of the Designated Statutory Officers of the Council (the Head of Paid Service, the Monitoring Officer and the S151 Officer (the 'DSOs')) will be dealt with in accordance with the Council's agreed policy. The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Model Disciplinary Procedure and Guidance as set out in the JNC Conditions of Service Handbook have been~~will be followed in this regard.

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4.2 The dismissal of a ~~DSO~~ **Statutory Officer** must be approved by ~~the~~ Full Council, following the recommendation of such dismissal by ~~the Investigations an~~ Investigatory and Disciplinary Sub-Committee.

4.3 The Council will consult with Independent Persons throughout the process.

4.4 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Full Council must take into account, in particular;

4.4.1 any advice, views or recommendations of the Independent Persons;

4.4.2 the conclusions of any investigation into the proposed dismissal; and

4.4.3 any Representations from the relevant Officer.

4.5 The Full Council must approve the dismissal before notice of dismissal is given.

5. Appointment and Dismissal of Chief Officers

5.1 ~~The appointment of a Chief Officer will be determined by the Appointments Committee.~~

5.2 ~~Subject to Rule 4.2, the dismissal of a Chief Officer is the responsibility of the Investigations Committee.~~

56. Other Officers

56.1 The functions of ~~appointment and~~ dismissal of, and taking disciplinary action against ~~any Officer other than the Head of Paid Service or a Chief Officer a~~ Statutory Officer are the responsibility of the **Head of Paid Service** or his/her nominee, and, ~~(save in respect of deputy Chief Officers as defined in Section 2(8) of the Local Government and Housing Act 1989)~~, may not be discharged by Councillors. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001.

56.2 Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as amended by local agreement ~~and~~ adopted from time to time.

6.3 ~~Nothing in Rule 6.1 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by an Officer against any decision relating to the dismissal of, or taking disciplinary action against that Officer.~~

7. Consultation with Cabinet Members

7.1 ~~No offer of an appointment or notice of dismissal in relation to the Head of Paid Service, a Chief Officer (as defined in Section 2(8) of the Local Government and Housing Act 1989) shall be given by the appointor or dismisser until:~~

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7.1.1 the appointor or disposer has notified the Head of Human Resources and Organisational Development of the name of the person to be appointed or dismissed and any other particulars relevant to the appointment or dismissal;

7.1.2 the Head of Human Resources and Organisational Development has notified each Cabinet Member of:

(a) the name of the person to be appointed or dismissed;

(b) any other particulars relevant to the appointment or dismissal which the appointor or disposer has notified to the Head of Human Resources and Organisational Development; and

(c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Human Resources and Organisational Development; and

7.1.3 either:

(a) the Leader has, within the period specified in the notice under Rule 7.1.2 (c)) above notified the Head of Human Resources and Organisational Development that neither s/he nor any other Cabinet Member has any objection to the appointment or dismissal;

(b) the Head of Human Resources and Organisational Development has notified the appointor or disposer that no objection was received within that period from the Leader; or

(c) the appointor or disposer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

8. Procedure for Dismissal of Head of Paid Service, the Monitoring Officer and the S151 Officer

8.1 A Designated Statutory Officer of the Council (the Head of Paid Service, the Monitoring Officer and the S151 Officer) (a 'DSO') may not be dismissed by the Council unless the procedures set out in this Rule 8 are complied with.

8.2 The Council will consult with Independent Persons throughout the process.

8.3 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Full Council must take into account, in particular:

8.3.1 any advice, views or recommendations of the Independent Persons;

8.3.2 the conclusions of any investigation into the proposed dismissal; and

8.3.3 any Representations from the relevant Officer.

8.4 Any remuneration allowances or fees paid by the Council to an Independent Person must not exceed the level of remuneration, allowance or fees payable to that

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~~Independent Person in respect of that person's role as an Independent Person under the Localism Act 2011.~~

69. Disciplinary Action - Head of Paid Service and Chief Officers

~~69.1 Subject to Rule 48 above, the Investigations and Disciplinary Sub-Committee has delegated authority to take disciplinary action against the Head of Paid Service and Chief Officers, and to dismiss Chief Officers a Statutory Officer and may recommend to Council dismissal of a Statutory Officer on disciplinary grounds~~

~~9.1.1 Any proposal to dismiss the Head of Paid Service, the Monitoring Officer or the S151 Officer must be approved by Full Council.~~

~~69.1.2 Any disciplinary action must be taken in accordance with the Model Disciplinary Procedure in the JNC Handbook for Chief Executives. Head of Paid Service, Investigations Committee meetings shall be convened by~~

~~6.3 The Monitoring Officer (in consultation with the Head of Human Resources and Organisational Development shall be responsible for determining what constitutes an allegation for consideration by an Investigation and Disciplinary Sub-Committee under the Model Disciplinary Procedure. In reach such a determination the Monitoring Officer may conduct preliminary enquiries and the following may be considered: Chair of the Investigations Committee) and the Monitoring Officer shall, in consultation with the Chair of the Investigations Committee, filter out and deal with allegations that are~~

- ~~• Whether the allegation is clearly unfounded, or trivial~~
- ~~• Whether the allegation is a complaint about a service rather than a Statutory Officer;~~
- ~~• Whether the allegation is a grievance that is or can best be dealt with under some other the Council's grievance procedure, sickness absence procedure or performance management procedure;~~
- ~~• Whether the allegation is serious and may therefore warrant investigation.~~

~~6.4 Where allegations involve the Monitoring Officer, the Head of Paid Service, in consultation with the Head of Human Resources and Organisational Development, shall determine what constitutes an allegation for consideration by an Investigation and Disciplinary Sub-Committee under the Model Disciplinary Procedure. this role shall be fulfilled by the Head of Paid Service.~~

~~6.46.5 Investigations Committee meetings shall be convened by the Monitoring Officer when required. The Council will keep records of all allegations and investigations.~~

710. No Directions to be Given to Persons Making Appointments or Taking Disciplinary Action

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740.1 Save as specifically provided for elsewhere in these Procedure Rules, neither the Full Council nor the Cabinet or its Committees meeting, or an individual Councillor, nor any other person shall directly or indirectly:

- 740.1.1** give directions to any person taking any step in relation to an appointment to a post in the paid service of the Council as to the identity of the person to be appointed;
- 740.1.2** give directions about the taking of any disciplinary action in relation to a person in the paid service of the Council; or
- 740.1.3** otherwise interfere with the making of such an appointment or the taking of disciplinary action