

# **Section F**

## **Officer Employment Procedure Rules**

## **1. RECRUITMENT AND APPOINTMENT**

### **1.1 Declarations**

- (a) 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 Senior Officer of the Council; or of the partner of such persons.
- (b) No candidate so related to a councillor or Senior Officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by the relevant Chief Officer.

### **1.2 Seeking support for appointment**

- (a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) Subject to paragraph (c), no councillor will canvass support for any person for any appointment with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

## **2. RECRUITMENT OF HEAD OF PAID SERVICE AND STATUTORY CHIEF OFFICERS**

2.1 Where the Council proposes to appoint the Head of Paid Service or a Statutory Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council or its Personnel Committee will establish a committee or sub-committee to act as the appointment panel.

2.2 The appointment panel will:

- (a) 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.
- (b) 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
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

- 2.3 The appointment panel will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.
- 2.4 Where the Council propose to appoint the Head of the Paid Service or a Statutory Chief Officer exclusively from amongst their existing officers the Council or its Personnel Committee will establish a committee or sub-committee which will make arrangements in connection with the appointment.

### **3. APPOINTMENT OF HEAD OF PAID SERVICE**

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must be politically balanced and include at least one member of the Executive.
- 3.2 The full Council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 to these Rules has been completed.

### **4. APPOINTMENT OF STATUTORY CHIEF OFFICERS**

- 4.1 A committee or sub-committee of the Council will appoint Statutory Chief Officers. That committee or sub-committee must be politically balanced and include at least one member of the Executive.
- 4.2 An offer of employment as a Statutory Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

### **5. APPOINTMENT OF NON-STATUTORY CHIEF OFFICERS**

- 5.1 The Chief Executive, in consultation with the Leader, Executive Member for Human Resources, Chair of Personnel Committee and the relevant Portfolio Executive Member, will appoint Non-Statutory Chief Officers.
- 5.2 An offer of employment as a Non-Statutory Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

### **6. APPOINTMENT OF DEPUTY CHIEF OFFICERS**

- 6.1 In relation to Deputy Chief Officer posts the relevant Chief Officer will determine whether appointments to such posts should be made by an officer in consultation with an all officer panel or an officer in consultation with a mixed panel of officers and members.

- 6.2 An offer of employment as a Deputy Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

## **7. OTHER APPOINTMENTS**

- 7.1 Officers below Deputy Chief Officer. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of the Paid Service, an officer nominated by him/her, or an officer within the Chapter 2 or 3A of the Scheme of Delegation acting in accordance with the general delegations to such officers, and may not be made by councillors.
- 7.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **8. DISCIPLINARY ACTION**

- 8.1 No disciplinary action may be taken in respect of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer while alleged misconduct is investigated and considered provided that this does not preclude the suspension of the officer on full pay for the purpose of investigating the alleged misconduct and such suspension does not constitute disciplinary action; any such suspension must be reviewed no later than the expiry of 2 months beginning on the day on which the suspension takes effect. Any such suspension may be made by the Investigating and Disciplinary Sub-Committee of the Personnel Committee or by the **Director** of Human Resources, Organisational Development & Transformation in consultation with the Executive Member with portfolio responsibility for Human Resources, or the Leader of the Council in their absence or inability to act.
- 8.2 Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## **9. DISMISSAL**

- 9.1 Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

- 9.2 Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of or in relation to, the dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer, that committee or sub-committee must include at least one member of the executive.
- 9.3 Where a committee or sub-committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the full Council must approve any recommendation of dismissal before notice of dismissal is given.
- 9.4 The Council must appoint a panel (“the Panel”) under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer in accordance with the procedure set out in Annex 2.
- 9.5 The full Council may not approve any recommendation of dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer without first taking into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 9.6 Notice of dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer must not be given until the procedure set out in Annex 3 has been completed.

## **10. DEFINITIONS**

- "Chief Officer" means a statutory chief officer or a non-statutory chief officers as defined in section 2 of the Local Government and Housing Act 1989 ("the 1989 Act").
- Notwithstanding the definition in the 1989 Act, a reference in these Rules to a “Statutory Chief Officer” shall be taken to mean any officer defined as such in section 2(6) of the 1989 Act, along with the officer designated as the Monitoring Officer and any officer who is a non-statutory chief officer under section 2(7)(c) of the 1989 Act.
- Notwithstanding the definition in the 1989 Act, a reference in these Rules to a “Non-Statutory Chief Officer” shall be taken to mean only those officers defined as such in sections 2(7)(a) and 2(7)(b) of the 1989 Act.
- "Deputy Chief Officer" has the same meaning as in section 2(8) of the 1989 Act.

- "Senior Officer" means an officer on spinal column point 26 or above.

## **ANNEX 1**

### **APPOINTMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

1. This procedure applies to the appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, the committee, sub-committee or officer making the appointment, or, in the case of the appointment of the Head of Paid Service, making a recommendation to the Council.
3. An offer of an appointment as a relevant officer must not be made by the appointor until -
  - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of: -
    - (i) the name of the person to whom the appointor wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
    - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either: -
    - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither they nor any member of the executive has any objection to the making of the offer;
    - (ii) the proper officer has notified the appointor that no objection was received by them within that period from the executive leader; or
    - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be the Deputy Chief Executive

## ANNEX 2

1. This procedure applies to the appointment of the Panel to advise the full Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer ('relevant officers') and has been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. The Council must invite independent persons appointed under Section 28(7) of the Localism Act 2011 ("the 2011 Act") to be considered for appointment to the Panel, with a view to appointing at least two independent persons to the Panel.
3. In paragraph 2, independent person means any independent person who has been appointed by the Council or, where there are fewer than two independent persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
4. The Independent Panel shall consist of the Council's independent persons appointed under section 28(7) of the 2011 Act provided that at least two such independent persons are willing to sit on the Panel. If they are not then, subject to paragraph 5, the Council must appoint to the Panel independent persons who have accepted an invitation issued under paragraph 2, in the following order of priority:
  - (a) an independent person who has been appointed by the Council and who is a local government elector in the Council's area;
  - (b) any other independent person who has been appointed by the Council;
  - (c) an independent person who has been appointed by another authority or authorities.
5. The Council may appoint more than two independent persons.
6. The Council must appoint the Panel at least 20 working days before the full Council meets to consider whether or not to approve a proposal to dismiss a relevant officer.
7. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the 2011 Act.



### **ANNEX 3**

## **DISMISSAL OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

1. This procedure applies to the dismissal of the Head of Paid Service, Chief Officers and Deputy Chief Officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
3. Notice of the dismissal of a relevant officer must not be given by the dismissor until -
  - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (b) the proper officer has notified every member of the executive of:
    - (i) the name of the person who the dismissor wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either:
    - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither they nor any other member of the executive has any objection to the dismissal;
    - (ii) the proper officer has notified the dismissor that no objection was received by them within that period from the executive leader; or
    - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be the Deputy Chief Executive