

Officer Employment Procedure Rules

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 chief officer or an officer nominated by him/her.

(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)** Nothing in paragraph (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with the application for appointment.

2. Recruitment of head of paid service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any 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.

3. **Appointment of head of paid service**

- (a) 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 include at least one Member of the Executive.
- (b) 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 Executive.
- (c) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to that person.

4. **Appointment of chief officers and deputy chief officers**

- (a) A Committee or Sub-Committee of the Council will appoint chief officers. That Committee or Sub-Committee must include at least one Member of the Executive.

- (b) An offer of employment as a Chief Officer shall only be made where no well-founded objection from any Member of the Executive has been received.

5. **Notification of appointments**

- (a)
 - (i) No offer of an appointment shall be made to the Head of Paid Service, Chief Officer or Deputy Chief Officer until the Chairman of the Committee or Sub-Committee (on behalf of the Committee or Sub-Committee) has notified the Head of Paid Service of the name and other relevant particulars of the person the Committee or Sub-Committee wishes to appoint.
 - (ii) The Head of Paid Service has notified every Member of the Executive of the name and other relevant particulars of the person the Committee wishes to appoint.
- (b) The Leader may object, on behalf of the Executive to an appointment within 5 working days of the issue of the notice in (a) above.
- (c) An offer of appointment may be made if:
 - (i) The Leader has notified the Chairman of the Committee or Sub-Committee within 5 working days that neither he or she nor any other Member of the Executive has any objection to the making of the offer.
 - (ii) The Head of Paid Service has notified the Committee or Sub-Committee that he or she has not received any objection within the period specified in (b) above.
 - (iii) The Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6. **Other appointments**

- (a) **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 Paid Service or his/her nominee, and may not be made by Councillors.
- (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

1. In the following paragraphs-

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, head of the Council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulation 2011;
- (c) “independent person” means a person appointed under section 28 (7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the Peoples Acts;
- (e) “the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to dismissal of relevant officers of the Council;
- (f) “relevant officer” means the chief finance officer, head of the Council’s paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

3. The Council must invite relevant independent to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.

5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order-

(a) A relevant independent person who has been appointed by the Council and who is a government elector;

(b) Any other relevant independent person who has been appointed by the Council;

(c) A relevant independent person who has been appointed by another authority or authorities..

6. The Council is not required to appointment than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The Council must appoint any panel at least 20 working days before the relevant meeting.

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

(a) Any advice, views or recommendation of the Panel

(b) The conclusions of any investigation into the proposed dismissal; and

(c) Any representations from the relevant officer.

9. 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 independent person under the 2011 Act.

~~10. Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Head of the Council's Paid Service, as the Chief Finance Officer, or as the Council's Monitoring Officer, the Council's must approve that dismissal before notice is given to that person.~~

~~7. Disciplinary action~~

~~(a) Head of Paid Service, Monitoring Officer and Chief Financial Officer~~

~~(i) The Head of Paid Service, Monitoring Officer and Chief Financial 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.~~

~~(ii) 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 under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).~~

~~(iii) The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him or her.~~

~~(b) Other Officers~~

~~(i) Councillors will not be involved in the disciplinary action against any Officer other than as in 7(a) above except where such involvement is necessary for any investigation of inquiry into alleged misconduct, though 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. Such disciplinary~~

~~action will be undertaken by the Head of Paid Service or by an Officer nominated by him/her.~~

- ~~(ii) Councillors will not be involved in the dismissal of an Officer other than as in 7(a) above except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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. Any dismissal procedure will be undertaken by the Head of Paid Service or by an Officer nominated by him/her.~~

~~8. **Dismissal or disciplinary action against Chief Officers and senior managers**~~

- ~~(a) Subject to the provisions of paragraph 7 above, the Committee or Sub-Committee or the Head of Paid Service (The Dismissor) shall not issue a notice of dismissal to the Head of Paid Service, a Chief Officer or Deputy Chief Officer until:~~

- ~~(i) they have notified the Head of Paid Service of the name of the person to be dismissed and any other particulars which the Dismissor considers are relevant to the Dismissal;~~
- ~~(ii) the Head of Paid Service has notified every Member of the Executive of the name and the other relevant particulars notified to him in (a)(i) above.~~

- ~~(b) The Leader may object on behalf of the Executive to the Head of Paid Service within five working days of the issue of the notice in (a)(i) above.~~

- ~~(c) Subject to the provisions of paragraph 7 above, a notice of dismissal may be issued by the Dismissor if:~~

- ~~(i) the Leader has notified the Dismissor within the period specified that neither he nor any other Member of the Executive has any objection to the dismissal;~~

~~(ii) the Head of Paid Service has notified the Dismissor that he/she has not received an objection within the period specified; or~~

~~(iii) the Dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.~~

~~9. Nothing in paragraph 2 shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the Authority to consider an appeal by:~~

~~(a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or~~

~~(b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.~~