

## **11.8 Officer Employment Procedure Rules**

### **11.9 Recruitment and appointment**

#### **Declarations**

11.9.1 The council will require any candidate for appointment as an employee to state in writing whether they have any connections to an existing Member or employee of the council or of the spouse or partner of such persons.

11.9.2 A candidate who does not disclose such a relationship may be disqualified from consideration, and if appointed, may be liable to dismissal.

11.9.3 Every Member and Officer of the council will inform the Director concerned when they become aware of an application by a relative.

11.9.4 No candidate connected to a Member or an Officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her.

11.9.5 The council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the council. The content of this paragraph will be included in any recruitment information.

### **11.10 Recruitment of Head of Paid service and Chief Officers**

11.10.1 For the purposes of these rules, the term "Chief Officers" shall mean the Chief Executive and the Deputy Chief Executive.

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

- (a) 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; and

- (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.

## **11.11 Appointment of Chief Executive**

- 11.11.1 Before an offer of appointment is made, Council will be required to approve the appointment of the Chief Executive following the recommendation of the Chief Officer Recruitment Committee.

## **11.12 Appointment of Chief Officers**

- 11.12.1 The Chief Officer Recruitment Committee will appoint Chief Officers.
- 11.12.2 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.

## **11.13 Other Appointments**

- 11.13.1 Officers below Chief Officer. Appointment of officers below 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 Members.
- 11.13.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **11.14 Disciplinary Action – Statutory Officers**

- 11.14.1 Disciplinary action for the dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 11.14.2 Suspension. The Head of Paid Service, Deputy Chief Executive, Monitoring Officer or 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 unless the Chief Officer Recruitment

Committee recommends the suspension should continue beyond that point.

- 11.14.3 A Statutory Officer may not be dismissed by the authority unless the procedure set out in paragraphs 11.13.4 – 11.13.14 is complied with.
- 11.14.4 The Chief Officer Recruitment Committee will investigate any allegations against a Statutory Officer.
- 11.14.5 The Chief Officer Recruitment Committee must appoint an Independent Investigator taken from a list held by the National Joint Secretaries.
- 11.14.6 The Independent Investigator will investigate and prepare a report to be considered by the Chief Officer Recruitment Committee.
- 11.14.7 The Chief Officer Recruitment Committee will meet to consider the report and give the Statutory Officer an opportunity to state their case and to question witnesses where relevant.
- 11.14.8 The Chief Officer Recruitment Committee will have the following options available to them:
  - (a) Take no further action;
  - (b) Recommend informal resolution or other appropriate procedures;
  - (c) Refer back to the Independent Investigator for further investigation and report;
  - (d) Take disciplinary action against the Statutory Officer short of dismissal; or
  - (e) Propose dismissal of Statutory Officer to Full Council.
- 11.14.9 If the Chief Officer Recruitment Committee propose dismissal of the Statutory Officer to Full Council, this must be considered by the Independent Panel.

- 11.14.10 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 11.14.11 Subject to paragraph 11.14.12, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 11.14.10 in accordance with the following priority order:
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 11.14.12 The authority is not required to appoint more than two relevant independent persons in accordance with paragraph 11.14.11 but may do so.
- 11.14.13 The authority must appoint any Panel at least 20 working days before the meeting of the Council at which the recommendation for dismissal is to be considered. The Panel will review the decision and prepare a report for Council.
- 11.14.14 The Council must consider the proposal that the Statutory Officer be dismissed. Before the taking of a vote at the relevant Council meeting on whether or not to approve such a dismissal, the authority must take into account:
- (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 Statutory Officer.
- 11.14.15 Any remuneration, allowances or fees paid by the authority 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 Localism Act 2011.

- 11.14.16 Subject to the provisions of The Local Authorities (Standing Orders) (England) Regulations 2015 all actions will be in accordance with both the JNC Conditions of Service for Chief Executives/Chief Officers and the council's employment policies.
- 11.14.17 Notice of the dismissal of the Chief Executive or any Chief Officers or assistant to a political group must be given to the Executive in accordance with paragraph 6 of Part II to Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 11.14.18 Chief Officers and the Head of Paid Service have a right of appeal against dismissal to a Joint Chief Officer Appeals Committee specifically appointed for that purpose.
- 11.14.19 Members will not be involved in disciplinary action against any Officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an Officer nominated by them.