

**OFFICER EMPLOYMENT
PROCEDURE RULES**

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N.B. Reference should be made to the relevant sections of Part 3 of the Constitution for details of responsibilities delegated to Personnel Committee, Appointment Panels, Statutory Officer Disciplinary Committee and Officers in accordance with these Procedure Rules.

1. Definition of Chief Officer for the purposes of these Rules

In these rules the expression “Chief Officer” means any Deputy Chief Executive, Strategic Director, or Service Director. This definition fulfils the relevant requirements of the 1993 and 2001 Standing Orders Regulations (as amended)

2. 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 senior officer of the council; or of the partner of such persons.
- (ii) 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 him/her

(b) Seeking support for appointment

- (i) Subject to paragraph (iii), 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.
- (ii) Subject to paragraph (iii), no councillor will canvass support for any person for any appointment with the council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

3. Recruitment of Head of Paid Service and Chief Officers

- (a) Where the council proposes to appoint the Head of Paid Service or a chief officer (other than on an acting basis) 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.
- (b) The appointment panel will:
 - (i) draw up a statement specifying the duties of the post concerned; and an employee specification which describes the experience, education, training, knowledge, skills and other factors to be sought in the person to be appointed.
 - (ii) 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
 - (iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.
- (c) Where a post has been advertised, the appointment panel shall:-
 - (i) Select a short list of qualified applicants and interview those included on the short list.
 - (ii) At all times act in accordance with the council's equal opportunities policy and code of practice on recruitment and selection.
 - (iii) When no person is appointed, make further arrangements for advertisement.
- (d) Where the council propose to appoint the Head of the Paid Service or a chief officer (other than on an acting basis) 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.
- (e) Where the duties of a chief officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972 -
 - (i) The steps taken under this Rule may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned;

- (ii) Any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those authorities.

4. 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 Cabinet.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 of these Rules has been completed.

5. Appointment of 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 Cabinet.
- (b) An offer of employment as a chief officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

6. Other Appointments

(a) Officers below chief officer

Appointment of officers below chief officer (as defined in Rule 1) (other than assistants to political groups) is the responsibility of the Head of the Paid Service or officers nominated by him/her and may not be made by councillors.

(b) Assistants to political groups

- (i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council.
- (ii) Each such post shall first be allocated to a political group in accordance with Section 9 of the Local Government & Housing Act 1989 and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group which does not qualify for one.
- (iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.

7. Disciplinary Action

(a) Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than two months.

(b) Independent Panel

Subject to (a) above, no disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2015) may be taken in respect of any of those officers except in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015 (investigation of alleged misconduct).

(c) Involvement of Councillors

Councillors will not be involved in the disciplinary process in respect of any officer below chief officer (as defined in Rule 1), except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

8. Dismissal

- (a) Councillors will not be involved in the dismissal of any officer below chief officer (as defined in Rule 1), except where such involvement is necessary for any investigation or inquiry into alleged misconduct. [See comment above].

9. The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

- (b) Subject to paragraph 9(g) the Statutory Officer Disciplinary Committee may recommend to full Council that the Head of Paid Service, Chief Finance Officer or Monitoring Officer be dismissed. Only full council can approve the dismissal
- (c) Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or a chief officer that committee or sub-committee must include at least one member of the Cabinet.
- (d) Where a committee or sub-committee is discharging the function of the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, the full Council must approve the dismissal

- (e) Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular-
 - (i) any advice, views or recommendations of an independent panel¹
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the relevant officer.
- (f) The independent panel referred to must be appointed by the authority at least 20 days before the relevant meeting and should comprise a minimum of two independent panel members
- (g) Notice of dismissal of the Head of Paid Service, the Monitoring Officer, Chief Finance Officer or a chief officer must not be given until the procedure set out in Annex 2 has been completed.

¹ Appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended)

ANNEX 1

APPOINTMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

1. This procedure applies to the appointment of the Head of Paid Service and chief officers as defined in Rule 1 of these rules (“relevant officers”). It 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 panel 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 Cabinet 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 Leader on behalf of the Cabinet to the proper officer; and
 - (c) Either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the appointor that neither s/he nor any member of the Cabinet has any objection to the making of the offer;
 - (ii) no objection has been received by the proper officer within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be either of a Strategic Director responsible for human resources or the Head of the Human Resource

Strategy Unit, and the above function may be exercised on their behalf by the Human Resource officer dealing with the particular appointment.

ANNEX 2

DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER, CHIEF FINANCE OFFICER AND CHIEF OFFICERS

1. This procedure applies to the dismissal of the Head of Paid Service, Monitoring Officer, Chief Finance and chief officers as defined in Rule 1 of these Rules (“relevant officers”). It has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)
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 Cabinet 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 Leader on behalf of the Cabinet to the proper officer; and
 - (c) Either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii), notified the dismissor that neither s/he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) no objection has been received by the proper officer within that period from the Leader; or
 - (iii) the dismissor is satisfied that any objection received is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be either of the member of the Executive Management Group responsible for human resources or the Head of Human Resources.