

Officer Employment Procedure Rules

Adopted by Council, (22 May 2019)

The Officer Employment Procedure Rules incorporate prescribed Standing Orders relating to staff as required by the Local Authorities (Standing Orders) Regulations 1993, as amended by the Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014; and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Part IV of Schedule 1 to the 2014 Regulations sets out provisions that must be incorporated into the Standing Orders of an authority operating a committee system. They have been incorporated into the Rules below, in plainer English, and are shown *in italics*:

1. Recruitment and Appointment

(a) Declarations

The Council requires any candidate for appointment as an officer to state on the application form whether they are a partner, spouse or relative of an existing Councillor or officer of the Council.

(b) Seeking Support for Appointment.

The Council advises all applicants for appointment as an officer that canvassing support from any Councillor or employee of the authority, or giving false information, or omitting to give information, will render the person liable for dismissal if appointed.

No Councillor may seek support for any person for any appointment with the Council.

2. Appointment, Dismissal and Disciplinary Action

2.1 The appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council shall be carried out by the Chief Executive as the Head of the Council's Paid Service or by an officer nominated by him/her. A record of officers nominated by the Chief Executive shall be maintained by the Head of Human Resources and Organisational Development.

2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against an officer holding a post described in Sections 2 and 9 of the Local Government & Housing Act 1989. This includes the following:-

(a) the Head of the Authority's Paid Service (Chief Executive)

- (b) the Executive Director of Social Care and Health, Director of Children's Services, and the Executive Director of Economic Growth and Neighbourhood Services
- (c) the Executive Director of Resources (Chief Finance Officer)
- (d) the Monitoring Officer (Assistant Director of Legal & Democratic Services)
- (e) persons who, as respects all or most of their duties, report directly to or are directly accountable to the Head of the Council's Paid Service
- (f) persons who, as respects all or most of their duties, report directly to or are accountable to any of the posts listed above (other than staff whose duties are of a clerical or support nature)
- (g) persons who, as respects all or most of their duties report directly or are directly accountable to the Council or a Committee or Sub-Committee of the Council
- (h) assistants for political groups.

2.3 Any appointment or dismissal of an officer designated as the Head of the Council's Paid Service, shall be approved by the full Council before any offer of appointment or notice of dismissal is given to the person concerned.

2.4 Any dismissal of an officer designated as the Chief Finance Officer or Monitoring Officer, shall be approved by the full Council before any notice of dismissal is given to the person concerned.

2.5 Where the Council appoints a Committee or a Sub-Committee to carry out the function of appointing or dismissing any officer to or from the positions referred to in paragraph 2.2 above, the Committee or Sub-Committee shall include at least one Lead Councillor.

3. Appointment of Chief Officers - Process

3.1 Where the Council wishes to appoint a Chief Officer as defined by statute, and wishes to seek applicants from outside existing officers of the Council, the following procedure will apply:

- (a) the appointment will be co-ordinated and made by the Personnel Committee, or by any other Committee or Sub-Committee authorised by full Council or the Personnel Committee to make the appointment;
- (b) the post will be advertised publicly, to bring it to the attention of people who are qualified to apply for it;
- (c) a job description and person specification will be produced, and sent to all applicants for the job, specifying:
 - (i) the duties of the post
 - (ii) the qualifications and qualities being sought by the Council
- (d) the Personnel Committee will either:

- (a) interview all qualified applicants for the post, or
 - (b) select a short-list of qualified applicants in accordance with the Council's recruitment and selection policy and procedures.
 - (e) If no suitably qualified person applies for the post, any re-advertisement will comply with paragraph (3) above.
- 3.2 The Personnel Committee has delegated powers to appoint Executive Directors, the Monitoring Officer, the Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.
- 4. Disciplinary Proceedings against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**
- 4.1 No disciplinary action as defined by Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 may be taken against the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer in cases of alleged misconduct, unless the procedure set out in Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as reflected in the model disciplinary procedure rules incorporated into the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook (updated 13 October 2016) as may be updated from time to time has been complied with.
- 4.2 Such disciplinary action means any action occasioned by alleged misconduct which, if proved, would be recorded under normal Council procedures on the officer's personal file, and includes any proposal for dismissal for reasons other than redundancy, permanent ill-health or infirmity of mind or body. It does not include failure to renew a fixed-term contract of employment unless the authority has undertaken to review such a contract.
- 4.3 The relevant officer may be suspended whilst the investigation is taking place, and if so, the suspension will be on full pay and will last for no longer than two months.
- 4.4 The Council establishes an Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the 'relevant officers' and an Appeals Committee to deal with disciplinary matters short of dismissal relating to the 'relevant officers'.
- 4.5 Dismissal of the Head of the Authority's Paid Service, the Monitoring Officer or the Chief Finance Officer may only be exercised by the full Council.
- 4.6 Where the IDC has recommended dismissal of a 'relevant officer', the Council must invite any Independent Person appointed under the provisions of the Localism Act 2011 section 28(7) 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), to be considered for appointment to an Independent Panel with a view to appointing at least two such persons to the Panel.

- 4.7 The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph (ii) in accordance with the following priority order:-
- (a) An Independent Person who has been appointed by the Council and who is a local government elector within the authority's area;
 - (b) Any other Independent Person who has been appointed by the Council; and;
 - (c) An Independent Person who has been appointed by another council or councils.
- 4.8 The Council is not required to appoint more than two relevant Independent Persons but may do so.
- 4.9 The Council must appoint any Panel at least 20 working days before the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- 4.10 Before the taking of a vote at the meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer the authority must take 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.
- 4.11 The Personnel Committee has delegated powers to dismiss Executive Directors (provided they are not a statutory officer as described in 4.1 above) and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989.

5. Appeal

- 5.1 Nothing in this Standing Order shall prevent a Member from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:
- (i) a person against any decision relating to the appointment of that person as a member of staff of the authority, or

- (ii) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.