

# **PART 8 – OTHER RULES OF PROCEDURE**

## **B - OFFICER EMPLOYMENT PROCEDURE**

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## **1 RECRUITMENT AND APPOINTMENT**

### **a) Declarations**

- (i) A candidate for appointment as an Officer is required to state in writing whether they are related to any Councillor or Senior Officer of the Council. A candidate who fails to do so shall be disqualified from such appointment and, if appointed, shall be liable for dismissal without notice. Every Councillor, Executive Director and Officer of the Council on a Management Grade shall disclose to the Head of Human Resources any relationship known to him/her to exist between himself/ herself and the candidate for an appointment of which he/she is aware.
- (ii) Where a relationship to a Councillor is disclosed, that Councillor shall be deemed to have a personal and prejudicial interest.
- (iii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Executive Director or an Officer nominated by him/her.

### **b) Seeking support for appointment.**

- (i) 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) No Councillor will seek support for any person for any appointment with Council.

## **2 RECRUITMENT OF HEAD OF PAID SERVICE, EXECUTIVE DIRECTORS & DEPUTY CHIEF OFFICERS**

Where the Council proposes to appoint an Executive Director 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 to it; and
- c) make arrangements for a copy of the statement mentioned in paragraph i) 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 Cabinet.

- b) The full Council may only make or approve the appointment of the Head of Paid Service where no substantial and justified objection has been made to the appointment by any Member of the Cabinet.

#### **4 APPOINTMENT OF EXECUTIVE DIRECTORS AND DEPUTY CHIEF OFFICERS OF SERVICES**

1. Under the terms of this Constitution, the Chief Executive, the Executive Director of Children's Services, the Executive Director of Adult Social Services, the Chief Finance Officer (Section 151 officer) and Monitoring Officer are statutory chief officers, according to the terms of Section 2(6) Local Government and Housing Act 1989.
2. The Executive Directors and Directors are determined to be non-statutory chief officers, according to the terms of Section 2 (7) of the Local Government and Housing Act 1989.
3. Deputy/Assistant Directors or "Heads of Service" are determined to be "Deputy Chief Officers" in accordance with Section 2 (8) of the Local Government and Housing Act 1989.
4. Where a Executive Director or Deputy Chief Officer is proposed to be appointed.

a) Appointments Panel will appoint Executive Directors in accordance with the provisions set out in the Local Government & Housing Act 1989.

b) Appointments Panel have delegated the recruitment of Deputy Chief Officers to the Head of Paid Service.

c) The views of the Chief Executive will always be taken into account in any appointment of an Executive Director.

#### **5 OTHER APPOINTMENTS**

- a) **Officers below Executive Director.** Appointment of Officers below Director or Deputy Chief Officer, (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee. In other cases, where there is significant contact with Councillors, the relevant Cabinet Member will be consulted on the selection and appointment.
- 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.

#### **6 DISCIPLINARY ACTION**

- a) The Head of Paid Service, Chief Finance Officer (Section 151) or Monitoring Officer ('relevant officer') must not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

- b) **Suspension.** The relevant officer may be suspended (in accordance with Appendix C of the Disciplinary Policy) whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should be kept under review and, where possible, last no longer than two months.
- c) **Investigation.** In accordance with Appendix C of the Disciplinary Policy and Procedure, any investigations into alleged misconduct will be undertaken in accordance with the Council's Disciplinary Policy & Procedure.
- d) **Dismissal.** Where the outcome of the investigation is that dismissal of the relevant officer should be a potential sanction, the Statutory Officer Panel will need to consider the matter as set out in paragraph e) below. Where the outcome of the investigation is that the recommended sanction is less than dismissal, then the matter will be dealt with in accordance with Appendix C of the Disciplinary Policy and Procedure.
- e) **Statutory Officer Panel.** The Council must appoint a Statutory Officer Panel where the investigation has determined that dismissal should be a potential sanction. The Statutory Officer Panel will have to consider the matter at least 20 working days before the relevant Council meeting, in which any recommendation made by the Statutory Officer Panel is to be ratified.
- f) The panel will consider the investigation report that has recommended dismissal, and will also undertake any such further investigations as necessary to make their decision on the recommended sanction including :
  - I. inspecting any documents relating to the conduct of the relevant officer which are in the Council's possession or which the Council has power to authorise them to inspect; and
  - II. requiring any officer or member of the Council (including the relevant officer) to answer questions concerning the conduct of the relevant officer.
- g) If the recommendation of the Statutory Officer Panel is to dismiss the relevant officer then the matter will be referred to full Council,
- h) If the recommendation of the Statutory Officer Panel is that the sanction should be less than dismissal, the matter should be referred to the Employment Appeal Sub Committee.
- i) The Statutory Officer Panel must make a report to the Council:
  - a) stating their opinion as to whether (and, if so, the extent to which) the evidence they have obtained supports the recommendation to dismiss the officer; and
  - b) must send a copy of the report to the officer concerned.

**j) Council Meeting:** Before the taking of a vote at the relevant meeting on whether or not to approve the recommended dismissal, the Council must take into account, in particular—

- (i) any advice, views or recommendations of the Statutory Officer Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the relevant officer.

## **7 DISMISSAL**

- a) 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, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Councillors in respect of dismissals.
- b) The dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 Officer) and Monitoring Officer subject to 6 above, must be approved by full Council.
- c) Notice of dismissal to the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer (Section 151 Officer), Statutory Chief Officers and non-Statutory Chief Officers or Deputy Chief Officers must not be given by the dismissor (subject to 6 above) until:
  - i) the dismissor has notified the Proper Officer (Monitoring Officer) of the name of the person the dismissor wishes to dismiss and any relevant particulars;
  - ii) the Proper Officer has notified every member of the Executive of the Council of:
    1. the name of the person it is wished to dismiss;
    2. any relevant particulars;
    3. the period within which any objections to the dismissal are to be made by the Leader to the Proper Officer on behalf of the Executive; and
  - iii) either:
    1. the Leader has, within the specified period, notified the dismissor that neither he nor any member of the Executive has any objection to the dismissal; or
    2. the Proper Officer has notified the dismissor that no objection has been received by him from the Leader, or the dismissor is satisfied that any objection received from the Leader within the period is not material or well founded.

## **8 OFFERS OF APPOINTMENT**

Any offer of employment to the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, any Executive Director or Deputy Chief Officer (as defined in Section 2(8) of the Local Government and Housing Act 1989) shall not be made 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 relevant particulars;
- b) the Proper Officer has notified every member of the Council's Executive of:
  - i) the name of the person to whom the appointor wishes to offer the post;
  - ii) any other relevant particulars;
  - iii) the period in which any objections to making the offer must be made by the Leader to the Proper Officer on behalf of the Executive; and
- c) either:
  - i) the Leader has, within the specified period, notified the appointor that neither he nor any member of the Executive has any objections;
  - ii) the Proper Officer has notified the appointor no objections have been received by him from the Leader; or
  - iii) the appointor is satisfied any objection received from the Leader within the period is not material or is not well founded.