

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 Member 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, 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 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, DIRECTORS & DEPUTY CHIEF OFFICERS

Where the Council proposes to appoint a 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 DIRECTORS AND DEPUTY CHIEF OFFICERS OF SERVICES

- 1. Under the terms of this Constitution, the Managing Director, the Director of Adult Social Services, the Head of Finance (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 Director - Place and Executive Director - Communities 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 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 Director or Deputy Chief Officer is proposed to be appointed.
 - a) Employment Panel will appoint Directors and Deputy Chief Officers in accordance with the provisions set out in the Local Government & Housing Act 1989.
 - b) Employment Panel delegate the recruitment of a Director or Deputy Chief Officer, where it is a 'like for like' recruitment with the same grade and salary scale being used, to the Managing Director, Head of Human Resources and service Director in consultation with the relevant Lead Member, who should also be a member of cabinet, and the chair of Employment Panel.
 - c) The views of the Managing Director will always be taken into account in any appointment of a Director or Deputy Chief Officer.

5 OTHER APPOINTMENTS

- a) **Officers below 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 Lead 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

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- a) The Head of Paid Service, Chief Finance Officer 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 whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- c) **Investigation.** Any investigations into alleged misconduct will be undertaken in accordance with the Council's Disciplinary Policy & Procedure.
- d) **Dismissal.** Where the result of the investigation is that dismissal of the relevant officer is the appropriate sanction, then such decision must be ratified by full Council. In addition, any appeal by the relevant officer will be considered at the same Council meeting.
- e) **Statutory Officer Panel.** The Council must appoint a Statutory Officer Panel at least 20 working days before the relevant Council meeting.
- f) In the preparation of its recommendation the Panel may undertake any such investigations as necessary for their report 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) The Panel shall determine the necessary investigations for its report and shall not be obligated to undertake any action unless the Panel determines such will facilitate its recommendation to Council.
- h) The Panel must make a report to the Council:
- i) stating their opinion as to whether (and, if so, the extent to which) the evidence they have obtained supports the decision to dismiss the officer;
 - ii) in the alternative, recommending any disciplinary action which appears to them to be appropriate for the Council to take against the officer; and
 - iii) 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 such a 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 members in respect of dismissals.
- b) The dismissal of the Head of Paid Service, Chief Finance 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, Director or Deputy Chief Officer 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 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

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- 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.

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