

# **Part Three, Section F**

## **Officer Employment Procedure**

### **Rules**

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## **Recruitment and Appointment**

### **1. Declarations**

- 1.1 Any candidate for any designation or appointment with the Council who knows that he/she is related to a Councillor or employee of the Council shall, when making an application, disclose, in writing, that relationship to the Chief HR Officer. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 1.2 Every Councillor and employee of the Council shall disclose to the Chief HR Officer any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Council.

### **2. Seeking support for appointment**

- 2.2 Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.
- 2.3 Persons shall be deemed to be related to a candidate or officer if they are a spouse, civil partner, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, step-parent stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons. This list is indicative, and a judgement will be made based on the closeness of the relationship.
- 2.4 In the case of a dispute under Procedure Rule 1.3 above about the status of a relationship in relation to an appointment, the Chief HR Officer will rule and such ruling will be applied.
- 2.5 The Chief HR Officer will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.
- 2.6 No candidate so related to a Councillor or senior officer will be appointed without the authority of the relevant Executive Head of Service or an officer nominated by him/her.

### **3. Recruitment of Head of Paid Services and members of Executive Leadership Team**

- 3.1 Where the Council proposes to appoint the **Head of Paid Service** or a member of the Executive Leadership Team (other than on an acting basis) and it is not proposed that the appointment be made exclusively from among their existing

officers, the Human Resources Committee will establish a committee (or sub-committee) to act as the appointment panel.

3.2 The appointment panel will:

- a. draw up a statement specifying the duties of the post concerned and a specification of the 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 for it; and
- c. make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.

3.3 The appointment panel will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.

3.4 Where following the interviews the Committee is of the view that there is no suitable candidate, it will re-advertise the post.

3.5 Where the Council proposes to appoint the **Head of the Paid Service** or a member of the Executive Leadership Team (other than on an acting basis) exclusively from amongst their existing officers the Human Resources Committee will establish a committee (or sub-committee)] which will make arrangements in connection with the appointment.

**4. Appointment of Head of Paid Service**

4.1 Where the Council proposes to appoint to the **Head of the Paid Service**, the Human Resources Committee will oversee the arrangements for filling the vacancy. For this purpose, the Committee shall include at least one **Cabinet member**.

4.2 The **Full Council** will approve the appointment of the **Head of Paid Service** following the recommendation of the Human Resources Committee, and the Full Council must approve the appointment before an offer of appointment is made.

4.3 Where the **Full Council** does not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

**5. Dismissal of Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (S.151 Officer)**

5.1 Dismissal of the **Designated Statutory Officers** of the Council (the **Head of Paid Service**, the **Monitoring Officer** and the **Chief Finance Officer (S.151 Officer)** (the 'DSOs') will be dealt with in accordance with the Council's agreed policy. The requirements of the Local Authorities (Standing Orders) (England) Regulations

2001 (as amended) and the Model Disciplinary Procedure and Guidance as set out in the JNC Conditions of Service Handbook have been followed in this regard.

- 5.2 The dismissal of a DSO must be approved by the **Full Council**, following the recommendation of such dismissal by the Human Resources Committee. The Committee when making such a recommendation must include at least one member of the Cabinet. The **Full Council** must approve the dismissal before notice of dismissal is given.

## **6. Appointment and Dismissal of Chief Officers**

- 6.1 The appointment of a **chief officer** will be determined by the Human Resources Committee. When making the appointment, the Committee must include at least one **Cabinet member**.
- 6.2 Subject to Procedure Rule 5.2, the dismissal of a **chief officer** is the responsibility of the Human Resources Committee. The Committee when dismissing a chief officer must include at least one **Cabinet member**.

## **7. Other Officers**

- 7.1 The function of appointment and dismissal of, and taking disciplinary action against any officer other than the **Head of Paid Service** or a **chief officer** is the responsibility of the Head of Paid Service (Chief Executive) or his/her nominee, and, (save in respect of deputy chief officers as defined in Section 2(8) of the Local Government and Housing Act 1989), may not be discharged by Councillors. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 7.2 Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as adopted from time to time.
- 7.3 Nothing in Procedure Rule 7.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by an officer against any decision relating to the dismissal of, or taking disciplinary action against that officer.

## **8. Consultation with Cabinet Members**

- 8.1 No offer of an appointment or notice of dismissal in relation to the **Head of Paid Service**, a **chief officer** or a **deputy chief officer** (as defined in Section 2(8) of the Local Government and Housing Act 1989) shall be given by the appointor or dismissor until:
- 8.1.1 the appointor or dismissor has notified the Chief HR Officer of the name of the person to be appointed or dismissed and any other particulars relevant to the appointment or dismissal;
- 8.1.2 the Chief HR Officer has notified each member of the Cabinet of:

- a. the name of the person to be appointed or dismissed;
- b. any other particulars relevant to the appointment or dismissal which the appointor or dismissor has notified to the Head of Organisational Development; and
- c. 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 Chief HR Officer and

8.1.3 either:

- a. the **Leader** has, within the period specified in the notice under paragraph (b)(iii) above notified the Committee that neither s/he nor any other member of the **Cabinet** has any objection to the appointment or dismissal;
- b. the Chief HR Officer has notified the appointor or dismissor that no objection was received within that period from the **Leader**; or
- c. the appointor or dismissor is satisfied that any objection received from the **Leader** within that period is not material or is not well-founded.

## 9. **Disciplinary Action - Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (S.151 Officer)**

- 9.1 A Designated **Statutory Officer** of the Council (the **Head of Paid Service**, the **Monitoring Officer** and the **Chief Finance Officer (S.151 Officer)** (a 'DSOs') may not be dismissed by the Council unless the procedure set out in this Procedure Rule 9 are complied with.
- 9.2 The Council must invite relevant independent persons to be considered for appointment to an **Independent Persons Panel**, with a view to appointing at least two such persons to the Panel.
- 9.3 In Procedure Rule 9.2 "relevant independent persons" means any independent person 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.
- 9.4 Subject to Procedure Rule 9.5, the Council must appoint to the **Independent Persons Panel** such relevant independent persons who have accepted an invitation issued in accordance with Procedure Rule 9.2 in accordance with the following priority order:
  - a. a relevant independent person who has been appointed by the Council and who is a local government elector;
  - b. any other relevant independent person who has been appointed by the Council;

- c. a relevant independent person who has been appointed by another authority or authorities
- 9.5 The Council is not required to appoint more than two relevant independent persons in accordance with Procedure Rule 9.4 but may do so.
- 9.6 The Council must appoint any **Independent Persons Panel** at least 20 working days before the relevant meeting.
- 9.7 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the **Full Council** must take into account, in particular:
  - a. any advice, views or recommendations of the **Independent Persons Panel**
  - b. the conclusions of any investigation into the proposed dismissal; and
  - c. any representations from the relevant officer.
- 9.8 Any remuneration allowances or fees paid by the Council to an independent person appointed to the **Independent Persons Panel** must not exceed the level of remuneration, allowance or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.

## **10. Disciplinary Action - Head of Paid Service and Chief Officers**

- 10.1 Subject to Procedure Rule 9 above, the Human Resources Committee has delegated authority to take disciplinary action against the **Head of Paid Service** and **chief officers**, and to dismiss chief officers on disciplinary grounds
  - a. Any proposal to dismiss the **Head of Paid Service**, the **Monitoring Officer** or the **Chief Finance Officer** must be approved by **Full Council**.
  - b. Where the Human Resources Committee meets to consider the taking of disciplinary action against the **Head of Paid Service** or a **chief officer**, the Committee must include at least one member of the Cabinet.
  - c. The **Investigation and Disciplinary Committee** for the purposes of the JNC Conditions of Service shall be drawn from the Human Resources Committee. That Committee must include at least one member of the Cabinet.
  - d. In accordance with the Model Disciplinary Procedure in the JNC Handbook for Chief Executives, **Investigation and Disciplinary Committee** meetings shall be convened by the **Monitoring Officer** (in consultation with the Chair of the Human Resources Committee) and the Monitoring Officer shall, in consultation with the Chair of the Human Resources Committee, filter out and deal with allegations that are clearly unfounded, trivial or can best be dealt with under some other procedure. Where allegations involve the **Monitoring Officer**, this role shall be fulfilled by the Chief Executive.

**11. No Directions to be Given to Persons Making Appointments or Taking Disciplinary Action**

Save as specifically provided for elsewhere in these Standing Orders, neither the **Full Council** nor the **Cabinet** or its Committees or Overview and Scrutiny meeting or an individual Councillor, nor any other person shall directly or indirectly:

- a. give directions to any person taking any step in relation to an appointment to a post in the paid service of the Council as to the identity of the person to be appointed;
- b. give directions about the taking of any disciplinary action in relation to a person in the paid service of the Council; or
- c. otherwise interfere with the making of such an appointment or the taking of disciplinary action.