

Part 4, Section 6

Officer Employment Procedure Rules

1. 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 or their partner are the parent, grandparent, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of or in a continuing close personal relationship with an existing councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an 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 sub-paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information
- (ii) Subject to sub-paragraph (iii), no Councillor will seek support for any person for any appointment as an officer with the Council.
- (iii) Nothing in sub-paragraphs (i) and (ii) will preclude a Councillor or officer from giving a written reference for a candidate for submission with an application for appointment

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

(1) Where it is proposed to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among existing officers, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned (the job description); and
- (ii) any qualifications or qualities to be sought in the person to be appointed (the person specification);

(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 statements mentioned in sub-paragraph (a) above to be sent to any person on request.

(2) Where a post has been advertised as provided in sub-paragraph (1)(b) above, all qualified applicants for the post shall be interviewed, or a short list of such qualified applicants shall be selected, and those included on the short list shall be interviewed.

- (3) Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with sub-paragraph 1(b) above

3. APPOINTMENT AND DISMISSAL OF HEAD OF PAID SERVICE

- (a) In making arrangements for the appointment of the Head of Paid Service, the Council will on each occasion designate an appropriate ad hoc Committee, constituted with regard to proportional representation, and including at least one member of Cabinet, to make a recommendation to Council on the appointment. The Council will approve the appointment of the Head of Paid Service following the recommendation of such Committee. In addition, in formulating the arrangements for the appointment, Council may request the involvement of the Cabinet, Overview and Scrutiny Committee and the Personnel Committee at any stage of the process.
- (b) The Council will approve the dismissal of the Head of Paid Service following the recommendation of such dismissal by the Personnel Committee of the Council. The Committee when making such a recommendation must include at least one member of the Cabinet.

4. APPOINTMENT AND DISMISSAL OF CHIEF OFFICERS

- (a) The appointment of a Chief Officer will be made by the Personnel Committee, which, when making such appointment must include at least one member of the Cabinet.
- (b) The dismissal of a Chief Officer is the responsibility of the Personnel Committee. The Committee when dismissing a Chief Officer must include at least one member of the Cabinet.

5. OTHER OFFICERS

- (a) 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.
- (b) Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as adopted from time to time.
- (c) Nothing in sub-paragraph (a) above 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.
- (d) Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. CONSULTATION WITH CABINET MEMBERS

No offer of an appointment or notice of dismissal in relation to the appointment or dismissal of 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 (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001) until:

- (a) the appointor or dismissor has notified the Chief Officer (Governance) of the name of the person to be appointed or dismissed and any other particulars relevant to the appointment or dismissal and the period within which any objection is to be made by the Leader on behalf of the Cabinet; and
- (b) the Chief Officer (Governance) has notified every member of the Cabinet of the name of the person to be appointed or dismissed, and any other particulars relevant to the appointment or dismissal which the appointor or dismissor has notified to the Chief Officer (Governance), and the period within which any objection to the appointment or dismissal is to be made by the Leader on behalf of the Cabinet to the Chief Officer (Governance); and
- (c) either
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) notified the Chief Officer (Governance) that neither he/she nor any other member of the Cabinet has any objection to the appointment or dismissal;
 - (ii) the Chief Officer (Governance) has notified the appointor or dismissor that no objection was received within that period from the Leader; or
 - (iii) the appointor or dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

8. DISCIPLINARY ACTION – HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

- (a) No disciplinary action in respect of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs), except action described in sub-paragraph (b) below may be taken by the Council or by a committee or sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders)(England) Regulations 2001.
- (b) The action mentioned in subparagraph (a) above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

9. DISCIPLINARY ACTION – HEAD OF PAID SERVICE AND CHIEF OFFICERS

Subject to paragraph 8 above, the Personnel 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 Personnel 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 Investigating Committee for the purposes of the JNC Conditions of Service shall be the Personnel Committee. That Committee must include at least one member of the Cabinet.

10. NO DIRECTIONS TO BE GIVEN TO PERSONS MAKING APPOINTMENTS OR TAKING DISCIPLINARY ACTION

Save as specifically provided for elsewhere in these Rules, neither the Council nor the Cabinet or Committee or Overview and Scrutiny meeting or individual Councillor, nor any other person shall directly or indirectly:

- (i) give directions to any person taking any step in relation to an appointment to a post in the paid service of the authority as to the identity of the person to be appointed;
- (ii) give directions about the taking of any disciplinary action in relation to a person in the paid service of the authority; or
- (iii) otherwise interfere with the making of such an appointment or the taking of disciplinary action.