

## **OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Appointments generally**

#### (a) Appointments to be on merit

Every appointment of a person to a paid office of the council shall be made on merit, and in accordance with the council's policies and procedures contained in the Business Managers' Handbook section on The Source.

#### (b) Declarations

- (i) The council has drawn up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or 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.

#### (c) Seeking support for appointment

- (i) Subject to paragraph (iii), 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) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor 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**

Where the council proposes to appoint the head of paid service, a chief officer, chief finance officer or the monitoring officer and it is not proposed that the appointment be made exclusively from among its existing officers, the council will as a minimum:

#### (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 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. Appointment of head of paid service**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The council assembly will approve the appointment of the head of paid service following the recommendation of such an appointment by the appointments committee of the council. That committee must include at least one member of the cabinet.
- (b) The council assembly may only make or approve the appointment of the head of paid service where no well-founded and material objection has been made by any member of the cabinet.

### **4. Appointment of the monitoring officer**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the monitoring officer.
- (b) An offer of employment as monitoring officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **5. Appointment of the chief finance officer**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint the chief finance officer.
- (b) An offer of employment as chief finance officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **6. Appointment of chief officers**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) The appointments committee will appoint chief officers.
- (b) An offer of employment as a chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

### **7. Appointment of deputy chief officers**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001. "Deputy chief officer" is defined in section 2(8)&(9) the Local Government and Housing Act 1989 to mean a person who, in respect of all or most of the duties of his or her post, is required to report directly or is directly accountable to one or more chief officers (excluding persons whose function is solely secretarial,

clerical or otherwise in the nature of support services). By law, members are only able to play a role in appointments of deputy chief officer or above.

- (a) The head of paid services or his/her nominee will appoint deputy chief officers.
- (b) An offer of employment as a deputy chief officer shall only be made where no well-founded and material objection from any member of the cabinet has been received.

## **8. Other appointments**

(a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.

### **(b) Assistants to political groups**

- (i) Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and the Local Government and Housing Act 1989.
- (ii) No appointment may be made to any post allocated to a political group until a post has been allocated to each group which qualifies for one.
- (iii) A political assistant may not be appointed unless the group qualifies for one under the Local Government and Housing Act 1989.
- (iv) No more than one political assistant can be appointed to each political group.
- (v) No arrangement may be made for the discharge of any of the council's functions by a political assistant.
- (vi) The terms and conditions of any such post shall be the same for all such posts.
- (vii) Whenever any such post has been established and is vacant, the proper officer shall, in accordance with the wishes of the political group to which it is allocated, make appropriate arrangements for posts to be filled.

## **9. Disciplinary action**

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and must be in accordance with the council's disciplinary code and relevant employment law and practice.

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last for a reasonable period.

- (b) **Procedure:** The head of paid service, monitoring officer and chief finance officer may not be dismissed unless the following procedure is followed.
- (c) An investigation will take place into any alleged misconduct. In the case of any investigation into the conduct of the head of paid service, any investigation will be instigated by the monitoring officer. The monitoring officer will also decide if suspension of the head of paid service is necessary. In all other cases, any investigation will be instigated by the head of paid service, who will also decide whether suspension is necessary.
- (d) The investigation report will be considered by a disciplinary panel consisting of an independent chair and two other officers. This panel will determine whether any charge is proven; and decide on the appropriate disciplinary sanction to be applied if the charge is proven. If they decide on dismissal, the matter will be referred to the appointments committee.
- (e) The appointments committee acting as a dismissal panel will consider the investigation report and, where appropriate, make recommendations to council assembly.
- (f) Councillors will not be involved in the disciplinary action against any officer other than the head of paid service, monitoring officer and chief finance officer.

## 10. Dismissal

This process is subject to the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

### **Head of paid service, chief finance officer and monitoring officer**

- a) Council assembly must approve any dismissal before notice of dismissal is given to the head of paid service, the chief finance officer and the monitoring officer.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

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

### **Chief officers and deputy chief officers**

- b) A notice of dismissal shall only be given to an officer specified in paragraph b) where, in accordance with the regulations, no well-founded and material objection from any member of the cabinet has been received.

### **Applications of paragraphs a) and b)**

- c) Paragraphs a) and b) apply to the dismissal of the head of paid service, a chief officer (as defined by regulation 3(a) or 3(b) of the Local Authorities (Standing Orders) (England) Regulations, the monitoring officer, chief finance officer, or to any deputy chief officer as defined by regulation 3(c) of the Local Authorities (Standing Orders) (England) Regulations.

### **Officers below deputy chief officer**

- d) 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.