

OFFICER EMPLOYMENT PROCEDURE RULES (updated July 2021)

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the partner or close family relative of a serving Member or employee of the Council. This statement will be included in appropriate recruitment literature.
- (b) Every Councillor and officer graded PO or above shall disclose to the Council any relationship known to him/her to exist between himself/herself and a candidate for an appointment of which he/she is aware.
- (c) 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.

1.2 Seeking Support for Appointment

- (a) 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.
- (b) No Councillor will seek support for any person for appointment. Councillors must not stand as referees for any person for such appointment.

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 2.1 Where the Council proposes to appoint a Chief Officer 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
 - (i) 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;
- (c) make arrangements for a copy of the statement mentioned in Paragraph (a) to be sent to any person on request; and
- (d) consider and determine the amount of any salary which it is proposed to offer to any new appointment where that salary package is £100,000 or above

2.2 For the purposes of these Officer Employment Procedure Rules,

- (a) "Chief Officer" means a statutory or non-statutory chief officer within the meaning of Sections 2(6) and (7) of the Local Government and Housing Act 1989
- (b) "Deputy Chief Officer" means a deputy chief officer within the meaning of Section 2(8) of the Local Government and Housing Act 1989

3. **APPOINTMENT OF HEAD OF PAID SERVICE**

The full Council will approve the appointment of the Head of Paid Service before an offer of appointment is made to him/her, following the recommendation of such an appointment by a Committee of the Council. That Committee must include at least one member of the Cabinet.

4. **APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

4.1 Where a Committee is discharging on behalf of the Authority the appointment of a Chief Officer as defined below, it must include at least one member of the Cabinet.

4.2 For the purposes of sub-paragraph 4.1 above, Chief Officer means the following posts:

Chief Executive/Head of the Paid Service

Executive Director of Corporate Services

Executive Director of Place Services

Executive Director People (Adult Social Care, Children & Young People and Public Health)

Director of Children and Young People's Services

4.3 In all other cases, the appointment of a Chief Officer or Deputy Chief Officer is delegated to the Head of the Paid Service/Chief Officer or his/her nominee.

4.4 An offer of an appointment as a Chief Officer or as a Deputy Chief Officer (appointed to deputise for an Executive Director listed in paragraph 4.2) must not be made by the officer responsible for making the appointment (the appointer) until

(a) the appointer has notified the Chief Executive of the name of the person to whom the appointer wishes to make the offer, and any other particulars which the appointer considers are relevant to the appointment;

(b) the Chief Executive has notified every member of the Cabinet of the Authority of

- (i) the name of the person to whom the appointer wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointer has notified to the Chief Executive; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Cabinet Leader on behalf of the Cabinet to the Chief Executive; and
- (c) either
- (i) the Cabinet Leader has within the period specified in the notice under sub-paragraph (b)(iii) notified the appointer that neither he/she nor any other member of the Cabinet has any objection to the appointment;
 - (ii) the Chief Executive has notified the appointer that no objection has been received by him/her within the period from the Cabinet Leader; or
 - (iii) the appointer is satisfied that any objection received from the Cabinet Leader within that period is not material or is not well-founded.

5. OTHER APPOINTMENTS

5.1 **Officers below Chief Officer.** Appointment of officers below Deputy Chief Officer, as defined in these Rules (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.

5.2 **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 IN RESPECT OF HEAD OF PAID SERVICE, MONITORING OFFICER, CHIEF FINANCE OFFICER**

- 6.1 The Head of Paid Service, Monitoring Officer and Chief Finance/s151 Officer may be suspended by the Investigation and Disciplinary Committee (IDC) whilst an investigation takes place into alleged misconduct. Any suspension will normally be on full pay and must be reviewed by the Committee after two months, in consultation with the Independent Investigator and after taking into account any representations by the Officer.
- 6.2 If a decision on suspension is required at very short notice (for example the Officer's presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council) then the Head of Paid Service and the Chief Finance/ section 151 Officer may be temporarily suspended by the Chair of the Investigation and Disciplinary Committee (IDC) following consultation with the Monitoring Officer. The Chair of the IDC may temporarily suspend the Monitoring Officer after consultation with the Deputy Monitoring Officer. Any such suspension will be reviewed by the IDC as soon as practicable.
- 6.3 Any disciplinary action in respect of the Authority's Head of the Paid Service, its Monitoring Officer or its Chief Finance/s151 Officer, must be dealt with in accordance with the Local Authorities (Standing Orders) Regulations 2001 (as amended) and the JNC Model Disciplinary Procedure and Guidance, together with the Procedure Note approved and adopted by the Council in July 2021 ([see link](#)). This includes:
- (a) the appointment of an Independent Investigator

- (b) consideration of any conclusions and recommendations in the report submitted by the Independent Investigator
- (c) where the IDC is recommending dismissal the Council must invite relevant independent persons to be considered for appointment to Independent Persons Panel (IPP) with a view to appointing at least two such persons to the Panel;
- (d) full Council will consider whether or not to approve such a dismissal but before doing so must take into account:
 - (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal;
 - and
 - (iii) any representations from the relevant officer.

[Explanatory Note: a relevant independent person is a person appointed by the Authority in accordance with Section 28(7) of the Localism Act 2011, or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Authority considers appropriate. His or her role as a member of the Panel is to give advice, views or recommendations to full Council in respect of a disciplinary process relating to the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer before any conclusion on disciplinary action is reached. The Council must appoint any Panel at least 20 working days before the relevant Council meeting]

6.4 Where the IDC is recommending action short of dismissal then the Officer has a right of appeal to the Disciplinary Appeals Committee which will act as the final internal appeal body.

7. **DISCIPLINARY ACTION AND DISMISSAL OF, OTHER, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

7.1 Councillors will only be involved in disciplinary action against all other Chief Officers and Deputy Chief Officers where such involvement is necessary for any investigation or inquiry into alleged misconduct through the Council's disciplinary, capability and related procedures.

7.2 Except as outlined in 7.1 above, the Head of the Paid Service or an officer nominated by him/her will discharge the functions of dismissal of, and taking disciplinary action against those Chief Officers and Deputy Chief Officers which are not referred to in paragraph 6 above.

7.3 Notice of the dismissal of any Chief Officer or Deputy Chief Officer must not be given by the dismissor, being the Committee or officer discharging the function of dismissal, until

- (a) the dismissor has notified the Chief Executive of the name of the person who the dismissor wishes to dismiss or any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Chief Executive has notified every member of the Cabinet of the Authority of
 - (i) the name of the person whom the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive; and

- (iii) the period within which any objection to the dismissal is to be made by the Cabinet Leader on behalf of the Cabinet, to the Chief Executive; and
- (c) either
 - (i) the Cabinet Leader has, within the period specified in the notice under sub-paragraph (b)(iii) above, notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the Chief Executive has notified the dismissor that no objection was received by him/her within that period from the Cabinet Leader; or
 - (iii) the dismissor is satisfied that any objection from the Cabinet Leader within that period is not material or is not well-founded.

Note: where the IDC is recommending dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance/s151 Officer Cabinet must be notified according to the process set out in the approved Procedure Note referred to at paragraph 6 and given the opportunity to make objections. Any such objection will be considered by the IDC.

8. **DISMISSAL OF, AND DISCIPLINARY ACTION OF, OTHER OFFICERS**

Councillors will not be involved in the dismissal of any officer, or the taking of any disciplinary action against officers below Deputy Chief Officer.

9. **APPEALS**

Nothing in these Officer Employment Procedure Rules shall prevent a Councillor from serving as a member of any Committee or Sub-Committee established by the Authority to consider an appeal by

- (a) another person, against any decision relating to the appointment of that other person as a member of staff of the Authority; or
- (b) a member of staff of the Authority against any decision relating to the dismissal or taking disciplinary action against that member of staff.