

OFFICER EMPLOYMENT PROCEDURE RULES

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 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 of the partner of such persons.
- (b) 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. No officer who is knowingly related to an applicant will take part in the shortlisting or interview process. If an applicant is related to the Chief Officer of the department concerned, the Head of Human Resources (or an officer nominated by him/her will form part of the shortlisting and interview panels).

1.2 Seeking support for appointment.

- (a) The Council will disqualify any applicant who directly or indirectly seeks or canvasses 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 or canvass support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Executive Directors

2.1 Where the Council proposes to appoint an Executive 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 (job description); and
 - (ii) any qualifications or qualities to be sought in the person to be appointed (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/capable of doing the duties of the post; 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

- 3.1 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 Executive.

4. Appointment of Executive Directors and Service Directors

- 4.1 Where a Committee is discharging on behalf of the Authority the appointment of an Executive Director or Service Director, as defined below, it must include at least one member of the Cabinet.
- 4.2 An offer of appointment as an Executive Director or Service Director must not be made by the officer responsible for making the appointment (the appointer) until:-
 - (a) the appointer has notified the Executive Director of Corporate Resources 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 Executive Director of Corporate Resources has notified every Member of the Cabinet 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 Executive Director of Corporate Resources; and
 - (iii) 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 Executive Director of Corporate Resources; and
 - (c) either:-
 - (i) the 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 Executive Director of Corporate Resources has notified the appointer that no objection has been received by him/her within that period from the Leader; or
- (iii) the appointer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

5. Other Appointments

5.1 Officers below Service Director.

Appointment of officers below Service Director, 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 the Head of Paid Service, Monitoring Officer or Chief Finance Officer

- 6.1 No disciplinary action in respect of the Authority's Head of Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 6.2 below, may be taken by the Authority or by a Committee/Sub-Committee or any other person acting on behalf of the Authority, other than in accordance with a recommendation made in a report by a designated independent person.

[Explanatory Note: a designated independent person is a person appointed in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 ("Investigation of alleged misconduct"). His or her role is to investigate and prepare a report upon the alleged misconduct before a conclusion upon any disciplinary action is reached]

- 6.2 The action mentioned in Paragraph 6.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action. 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.

7. Dismissal of Executive Directors and Disciplinary Action against Executive Directors and Service Directors

7.1 Councillors will only be involved in disciplinary action against the Head of Paid Service, Executive Directors or Service Directors 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 Paid Service, or an officer nominated by him/her, will discharge the functions of dismissal of, and taking disciplinary action against, Executive Directors or Service Directors .

7.3 Notice of the dismissal of the Head of Paid Service or any Executive Director or Service Director must not be given by the dismissor, being the Committee or officer discharging the function of dismissal, until:-

(a) the dismissor has notified the Executive Director of Corporate Resources of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the Executive Director of Corporate Resources has notified every member of the Cabinet 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 Executive Director of Corporate Resources; and

(iii) the period within which any objection to the dismissal is to be made by the Leader, on behalf of the Cabinet, to the Executive Director of Corporate Resources; and

(c) either:-

(i) the 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 Executive Director of Corporate Resources has notified the dismissor that no objection was received by him/her within that period from the Leader; or
- (iii) the dismissor is satisfied that any objection from the Leader within that period is not material or is not well-founded.

8. Dismissal of and Disciplinary Action of Other Officers

8.1 Councillors will not be involved in the dismissal of any officer, or the taking of any disciplinary action against officers below Service Director.

9. Appeals

9.1 Nothing in these Officer Employment Procedure Rules shall prevent a member 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 the staff of the Authority against any decision relating to the dismissal or disciplinary action against that member of staff.

Note: For the purposes of these Officer Employment Procedure Rules:-

(1) "Executive Director" 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

(2) " Service Director" means a deputy chief officer within the meaning of Section 2(8) of the Local Government and Housing Act 1989. Other officers who report directly or who are directly accountable to an Executive Director are therefore treated the same as Deputy Chief Officers for the purpose of Section 4 of these Procedure Rules.