

# CHAPTER 10 – OFFICER EMPLOYMENT PROCEDURE RULES

## 36. Officer Employment Procedure Rules

### 1. Appointment and Dismissal of Staff

(i) Subject to sub-paragraphs (ii), (iii) and (iv) below the function of appointment and dismissal of, and taking disciplinary action against a member of staff must be discharged by the Head of the Paid Service or by an officer nominated by him.

(ii) The provisions of sub-paragraph (i) do not apply to the appointment or dismissal of, or disciplinary against –

(a) the officer designated as the Head of the Authority's Paid Service;

(b) a statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989

(c) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act

(d) a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of Section 9 of the 1989 Act (Assistants for Political Groups).

(iii) The appointment or dismissal of the Head of the Paid Service must be approved by the Authority before the appointment is made or Notice of dismissal is given.

(iv) Where a Committee or Sub-Committee is discharging the function of the appointment or dismissal of any officer referred to in (ii) above, at least one Member of the Executive must be a Member of the Committee or Sub-Committee concerned.

(v) Any offer of appointment as an officer referred to in sub-paragraph (ii)(a) - (e) shall not be made until -

(i) the proper officer has been notified of the name of the person to whom the offer has been made and any other particulars considered relevant to the appointment;

(ii) the proper officer has notified every Member of the Executive of the name of the person to whom the offer of appointment has been made;

any other particulars relevant to the appointment which have been notified to the proper officer;

the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the proper officer; and either:-

the Executive Leader has within the period specified in the Notice given, given notice to the appointing Committee, Sub-Committee or officer that neither he nor any other Member of the Executive has any objection to the making of the offer,

the proper officer has notified the Committee or Sub-Committee or officer that no objection was received within that period from the Executive Leader or

the Committee or Sub-Committee or officer is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

(vi) Notice of the dismissal of an officer referred to in subparagraph (ii)(a) - (e) shall not be given until -

(i) the proper officer has been notified of the name of the person to be dismissed and any other particulars which are relevant to the dismissal

(ii) the proper officer has notified every Member of the Executive of the name of the person to be dismissed any other particulars relevant to the dismissal which have been notified to the proper officer; and the period with which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the proper officer; and

(iii) either

the Executive Leader has within the period specified in the Notice under subparagraph (vi) (ii) given notice that neither he nor any other Member of the Executive has any objection to the dismissal; or

the proper officer has given notice that no objection was received within that period from the Executive Leader or the Committee, Sub-Committee or officer wishing to give notice of the dismissal is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

(vii) For the purposes of this Standing Order the proper officer shall be the Director of Human Resources, Customer Services and Public Affairs.

## **2. Appointment of Chief Officers**

(a) Where the Council propose to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among the existing officers, it shall:-

(i) draw up a statement specifying - the duties of the officer concerned, and any qualifications or qualities to be sought in the person to be appointed

(ii) make arrangements for the post to be advertised

(iii) make arrangements for a copy of the statement mentioned in Paragraph (i) to be sent to any person on request.

(b) Where a post has been advertised the Council shall –

(i) interview all qualified applicants for the post, or

(ii) select a short list of such qualified applicants and interview those included on the short list

(iii) where no qualified person has applied, the Council shall arrange for further advertisement of the post.

(c) Every appointment of a Chief Officer shall be made by the Council or delegated to a Committee or Sub-Committee.

Any steps referred to in 63(a) or (b) above may be taken by a Committee or Sub-Committee or Chief Officer of the Council.

Any Chief Officer may be appointed by a Committee or Sub-Committee of the Council or a relevant joint Committee.

### **3. Canvassing of and Recommendation by Members**

(a) Attempting to secure the support of a Member of the Council directly or indirectly for any appointment by the Council shall disqualify the candidate concerned for that appointment.

(b) A Member of the Council shall not secure by unfair means an appointment with the Council for any person, but this shall not preclude a Member from giving a written reference of a candidate's ability, experience or character.

### **4. Disciplinary Action**

#### **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Head of Paid Service, Monitoring Officer and Chief Financial Officer must not be dismissed by the Council unless the procedure set out in Schedule 3 to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 is complied with.

## **5. Relatives of Members or Officers**

(a) A candidate for any appointment by the Council who is aware that they are related to any Member or Senior Officer of the Council shall disclose that relationship to the Chief Executive.

(b) A candidate who knowingly fails to disclose such a relationship shall be disqualified from the appointment and, if appointed, shall be liable to dismissal without notice.

(c) Every Member and Senior Officer of the Council shall disclose to the Chief Executive any known relationship that they may have with any person who is a candidate for an appointment by the Council. The Chief Executive shall report to the Council or to the appropriate Committee any such disclosure made to him.

(d) The content of this Standing Order shall be included in any form of application.

(e) For the purpose of this Standing Order "Senior Officer" means any Chief, Deputy or Assistant Chief Officer or Manager of any DSO or any other officer designated by the General Purposes and Licensing Committee and a person shall be considered related if they are parent, partner, child, step-child, adopted child, grandchild, brother, sister, aunt, uncle, nephew or niece.

## **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 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.
- 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) 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) No Councillor will seek support for any person for any appointment with the Council.

### **2. Recruitment of Head of Paid Service and Chief Officers**

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
- 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 aforementioned to be sent to any person on request.**

### **3. Appointment of Head of Paid Service**

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Executive.

#### **4. Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Council or a Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee must include at least one member of the Executive.
- (b) Appointment of Deputy Chief Officers will be by appropriate officers.
- (c) An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made where no well-founded objection from any member of the Executive has been received.

#### **5. Other Appointments**

- (a) **Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer (other than assistants to political groups and an assistant to the Mayor) 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.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### **6. Disciplinary Action**

- (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 no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action (including dismissal) against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

## **7. Politically Restricted Posts**

*(To be added)*