

## **PART 7.6 OFFICER EMPLOYMENT PROCEDURE RULES**

### **1. Introduction**

- 1.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and will form the standing orders prescribed therein regarding employment matters.

### **2. Interpretation**

- 2.1 For the purposes of these Officer Employment Procedure Rules the following words shall have the following meanings-

“Head of Paid Service” means the Chief Executive of the Council

“Chief Officer” means:

- Executive Director Families, Children & Learning
- Executive Director Economy, Environment & Culture
- Executive Director Neighbourhoods, Communities & Housing
- Executive Director Finance and Resources
- Director of Health & Adult Social Care
- Executive Lead for Strategy, Governance & Law (and Monitoring Officer)

For the purpose of these rules, “Chief Officer” also includes those officers who report to posts reporting to the Chief Executive (also referred to as “Deputy Chief Officers”)

### **3. Recruitment and appointment – general**

#### **3.1 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 Member or an officer of the Council; or of the partner of such persons; or have a personal friendship with a Member of the Council
- (b) No candidate so related to a Member or an officer or a personal friend of a Member will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

#### **3.2 Seeking support for appointment**

- (a) Subject to paragraph (c) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment as an officer with the Council. The content of this paragraph will be included in any recruitment information.
- (b) Subject to paragraph (c) below, no Member will seek support for any person for any appointment as an officer with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a Member from giving written reference for a candidate for submission with an application for appointment.

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

4.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its 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 mentioned in paragraph (a) to be sent to any person on request.

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

5.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments and Remuneration Panel.

#### **6. Appointment of Chief Officers and administrative arrangements**

6.1 A Committee or Sub-Committee of the Council will appoint Chief Officers, as defined in this policy, providing that the Chief Executive may appoint Chief Officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by a panel of Members (known as 'the Appointments and Remunerations Panel'). The Chief Executive or Chief Officers may make permanent appointments of Deputy Chief Officers.

6.2 Whenever a Panel is convened in accordance with paragraph 6.1 above, it shall be constituted as follows:

- The Panel shall consist of 6 Members appointed to reflect the political composition of the Council providing all the Groups in the Council are represented.
- The Executive Director Finance and Resources shall appoint Members of the Panel in accordance with the wishes of the relevant Group/Convenor.
- The Panel shall be chaired by a member of the Group with the largest number of seats in the Council.
- The Panel shall endeavour to reach a decision by consensus. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chair shall have a casting vote.
- The Executive Director Finance and Resources is authorised to take all steps necessary or incidental to the support of this appointments process.

## **7. Statement of Pay Policy**

7.1 A statement of the Council's pay policy will be published annually.

## **8. Remuneration of Chief Officers**

8.1 The Appointments and Remuneration Panel set up under paragraph 6.2 above is responsible for advising on the remuneration applicable to:-

- a) The permanent appointment of Chief Officers;
- b) Any proposal to offer a permanent appointment with a salary package of £100,000 or more.

8.2 In exceptional circumstances where a compensation payment upon termination of employment is proposed of £100,000 or more, the case will be referred to the Appointments and Remunerations Panel for consideration and recommendation to the Chief Executive. The District Auditor will also be consulted about any such compensation payments.

## **9. Other Appointments**

9.1 **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 or her nominee, and may not be made by Members.

9.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

## **10. Disciplinary Action and/or Dismissal - Head of Paid Service**

- 10.1 A decision to dismiss the Head of Paid Service may not be taken except in accordance with the Model Disciplinary Procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities, which incorporates the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 10.2 Dismissals of the Head of Paid Service for any reason must be approved by Full Council. However adherence to the Model Disciplinary Procedure referred to in para 10.1 is not required where the dismissal is on grounds of redundancy, permanent ill-health (in which case the council's sickness procedure may be adopted) or the expiry of a fixed term contract where there has been no commitment to renew it..
- 10.3 Where the Model Procedure refers to the Investigating and Disciplinary Committee, the functions of that Committee will be discharged by the Council's Personnel Appeals Panel.

## **11 Disciplinary Action and/or Dismissal - Monitoring Officer and Chief Finance Officer**

- 11.1 A decision to dismiss the Monitoring Officer and Chief Finance Officer may not be taken unless the procedure set out below is complied with.
- 11.2 The below procedure is not required where the dismissal concerns redundancy, permanent ill-health or infirmity of the mind or body or a non-renewal of a fixed term contract (except where the Council has previously undertaken to renew the contract). In addition it will not apply where dismissal is not a potential outcome. In such cases, the matter will be dealt with in accordance with the Joint Negotiating Committee Conditions of Service for Chief Officers of Local Authorities.
- 11.3 Where a hearing is to be convened to consider the potential dismissal of the Monitoring Officer or Chief Finance Officer, the matter shall be referred to the Personnel Appeals Panel.
- 11.4 Two independent persons shall be invited to sit on a Personnel Appeals Panel convened under para 11.3 above. Where the two Independent Persons appointed under section 28(7) of the Localism Act 2011 are not available, the Monitoring Officer will be authorised to invite an Independent Person from another authority. Where the matter concerns the Monitoring Officer, the Chief Executive will be authorised to invite an Independent Person from another authority.
- 11.5 The Panel will consider the appointment of an investigator and whether suspension is appropriate. Where an investigation takes place, the Panel will consider the results of the investigation.

- 11.6 Where the Personnel Appeals Panel recommends dismissal, the Panel shall refer the matter to Full Council for approval before notice of dismissal is given.
- 11.7 Before taking a vote at the meeting, Full Council shall take into account:
- a) any advice, views or recommendations of the Panel
  - b) the conclusions of any investigation into the proposed dismissal and
  - c) any representations from the relevant officer
- 11.8 As any decision to dismiss will be taken by Full Council, it is not possible to provide an internal appeal process against the dismissal.

## **12. Disciplinary Action and/or Dismissal - Chief Officers**

- 12.1 This section applies to Chief Officers not covered by the process referred to in paragraph 11.1 above. Disciplinary or dismissal action will be dealt with in accordance with the relevant Chief Officer's terms and conditions of employment and the Council's disciplinary procedure where applicable.

## **13. Disciplinary Action and/or Dismissal - other Officers**

- 13.1 Members will not be involved in the disciplinary action or dismissal of any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, 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 or dismissal action taken against officers.