

PART 4G

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidates 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.
- (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 form.

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 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

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or subcommittee 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) Where a committee is discharging on behalf of the Authority the appointment of a Chief or Deputy Chief Officer as defined below, it must include at least one member of the Executive

- (b) For the purposes of sub-paragraph 4(a) above, Chief Officer means the following posts:

- Chief Executive
- Corporate Director for Business Management
- Corporate Director for Delivery Services (Assistant Chief Executive)
- Corporate Director for Children's Services (DCS)
- Corporate Director for Economic and Housing Growth
- Director of Governance and Assurance (monitoring officer)
- Director of Finance and Investment (s151 officer)
- Director for Adult Care and Health (DASS)
- Director of Public Health

- (c) An offer of appointment as a Chief Officer or as a Deputy Chief Officer must not be made until the Director: Governance and Assurance (Monitoring Officer) has notified every member of the Cabinet of:

- (i) the name of the person to whom the offer is to be made;
- (ii) any other particulars relevant to the appointment;
- (iii) 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 Director: Governance and Assurance (Monitoring Officer); and either
- (iv) the Executive Leader has within the period specified in the notice under subparagraph (c) (iii) notified Director: Governance and Assurance (Monitoring Officer) that neither he/she nor any other member of the Executive has any objection to the appointment; or

- (v) the objection has been received by Director: Governance and Assurance (Monitoring Officer) within the period from the Executive Leader; and the appointing committee is satisfied that any objection received from the Executive Leader within that period is not material or is not wellfounded.

5. Other appointments

- (a) Officers below Deputy Chief Officer - Appointments 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 - Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

- (a) 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(b) 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 in a report made 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 prepare a report before any conclusion on disciplinary action is reached.]

- (b) The action mentioned in Paragraph 6(a) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and 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. Disciplinary action and dismissal of, and disciplinary action against, chief officers and deputy chief officers

- (a) Councillors will only be involved in disciplinary action against the Head of Paid Service, 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.
- (b) Except as outlined in 7(a) 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, Chief Officers and Deputy Chief Officers.

- (c) Notice of dismissal of the Head of Paid Service, or any Chief Officer or Deputy Chief Officer must not be given by the dismitter, being the Committee or officer discharging the function of dismissal, until
- (i) the dismitter has notified the Chief Executive of the name of the person whom the dismitter wishes to dismiss or any other particulars which the dismitter considers are relevant to the dismissal;
 - (ii) the Chief Executive has notified every member of the Executive of the Authority of:
 - (a) the name of the person whom the dismitter wishes to dismiss;
 - (b) any other particulars relevant to the dismissal which the dismitter has notified to the Chief Executive; and
 - (c) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive, to the Chief Executive; and
 - (iii) either
 - (a) the Executive Leader has, within the period specified in the notice under sub-paragraph (ii)(c) above, notified the dismitter that neither he/she nor any other member of the Executive has any objection to the dismissal;
 - (b) the Chief Executive has notified the dismitter that no objection was received by him/her within that period from the Executive Leader; or
 - (c) the dismitter is satisfied that any objection from the Executive Leader within that period is not material or is not well-founded.

8. Dismissal of and disciplinary action against 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 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 of or taking of disciplinary action against that member of staff.