



# CONSTITUTION OF THE COUNCIL

## Part 4 Section 7

### OFFICER EMPLOYMENT PROCEDURE RULES

#### 1 Purpose

These standing orders set out the rules dealing with the appointment and dismissal of staff. This includes mandatory standing orders required by statute.

#### 2 Recruitment and Appointment

##### (a) All staff to be appointed on merit

Subject to those exceptions set out in section 7 of the Local Government and Housing Act 1989, every appointment of a person to a paid office or employment under the Authority (an officer of the Council) shall be made on merit.

##### (b) 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, spouse, 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 Head of Paid Service or relevant Chief Officer or an officer nominated by him/her.

##### (c) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor or officer will seek support for any person for any appointment with the Council.

#### 3. Recruitment of Chief Officers and Deputy Chief Officers

- (a) A 'Chief Officer' and a 'Deputy Chief Officer' means those officers of the Council as defined by Part 1 of the Localism Act 2011 and as listed in Article 12 of this Constitution.
- (b) Where the Council proposes to appoint a Chief Officer or Deputy Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
  - (i) draw up a statement specifying:
    - (1) the duties of the officer concerned; and
    - (2) any qualifications or qualities to be sought in the person to be appointed;
  - (ii) 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
  - (iii) make arrangements for a copy of the statement mentioned in paragraph (i) above to be sent to any person on request.
- (c) Where a post has been advertised as provided in (a), 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.
- (d) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with (a)(ii) above.

#### **4. Appointment of Head of Paid Service, Monitoring Officer and the Chief Finance (S.151) Officer**

- (a) The full Council must appoint the Head of Paid Service following consideration of any recommendation of the Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) as to the person to be appointed.
- (b) The full Council shall appoint the Monitoring Officer and the Chief Finance (S.151) Officer following consideration of any recommendation of the Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) as to the person to be appointed.
- (c) The full Council shall also appoint the officer designated as the Returning Officer and the Electoral Registration Officer.

#### **5. Appointment of Chief Officers**

The Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) will appoint all other Chief Officers, whose posts are normally designated as a 'Director'. The Sub-Committee may make a recommendation to Council in respect of those chief officers identified at paragraph (4) above.

## 6. **Appointment etc of Deputy Chief Officers**

The appointment of and all other associated employment matters relating to all Deputy Chief Officers, whose posts may variously be described or designated as 'Assistant Director', 'Head of Service', 'Chief [Technical] Officer', 'Service Manager' or similar, has been delegated by Council to the Head of Paid Service or an officer nominated by him or her.

## 7. **Other appointments**

(a) **Officers other than Chief Officers** – The appointment of all officers other than a Chief Officer or Deputy Chief Officer (excepting assistants to political groups referred to at (b) below) 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 under the Local Government & Housing Act 1989 shall be made in accordance with the wishes of that political group.

## 8. **Disciplinary action in respect of the Head of Paid Service, Monitoring Officer or Chief Finance (s.151) Officer**

(a) **Suspension** - The Head of Paid Service, Monitoring Officer or Chief Finance Officer and other Chief Officer(s) 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 without a review of such suspension first taking place.

(b) **Potential for dismissal** - Disciplinary action or situations in which there is the potential to dismiss either the Head of Paid Service, Monitoring Officer or Chief Finance Officer on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal (in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015)).

(c) **Procedure** - Paragraphs 13 and 13A and Model Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives (13<sup>th</sup> October 2016) give effect to these provisions and will be used in circumstances where disciplinary action against the Head of Paid Service, Monitoring Officer or s151 Officer is contemplated.

## 9. **Disciplinary action and dismissal of, and disciplinary action against, Chief Officers and Deputy Chief Officers**

Subject to Standing Order 8 above, the Head of Paid Service or an officer nominated by him or her is authorised to discharge the functions of dismissal of, and taking disciplinary action against, chief officers and deputy chief officers.

10. **Dismissal of and disciplinary action against other officers**

Councillors will not be involved in the dismissal of or taking disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although 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 resulting in dismissal only.

11. **Statement of Pay Policy**

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