

Part 4, Section 7:

Officer Employment Procedure Rules¹

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Recruitment and appointment generally

Declarations

- 4.7.1. The Council will ask any candidate seeking appointment as an employee 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. A candidate who fails to declare such a relationship will automatically be disqualified from the appointment process with immediate effect or if appointed, will be liable to instant dismissal on ground of gross misconduct.
- 4.7.2. No candidate so related to a councillor or an employee will be appointed without the authority of the Head of Paid Service or the relevant Chief Officer, or an Officer nominated by them for that purpose.
- 4.7.3. Every councillor and chief officer or deputy chief officer of the Council shall disclose to the Head of Paid Service any relationship between themselves and any person they know to be a candidate for appointment with the Council. The Head of Paid Service will ensure that any such disclosure is reported to the Chairman of the Employment Committee or officer to whom power has been

¹ These rules incorporate the standing orders required by the Local Authorities (Standing Orders) (England) Regulations 2001.

delegated to make an appointment.

- 4.7.4. The Head of Paid Service shall record the particulars of all disclosures made under [paragraph 4.7.3](#).
- 4.7.5. Where relationship to a councillor of the Council is disclosed, that councillor shall withdraw from the meeting while the appointment is under consideration in accordance with the [Councillor Code of Conduct](#), and where an officer agrees to act as a referee for a candidate, they may not take part in the recruitment process in accordance with the [Employee Code of Conduct](#).

Seeking support for appointment

- 4.7.6. 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 sub-paragraph will be included in any recruitment information.
- 4.7.7. No councillor will seek support for any person for any appointment with the Council (including by way of providing a written reference for a candidate for submission with an application for appointment).

Equal Opportunities

- 4.7.8. The Council will not unlawfully discriminate in the recruitment and appointment of officers and all appointments shall be made on merit².

Recruitment of Statutory Chief Officers and Chief Officers

- 4.7.9. Where the Council proposes to appoint a Statutory Chief Officer or a Chief Officer³, and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:
- 4.7.9.1. draw up a statement specifying:
 - 4.7.9.1.1. the duties of the officer concerned; and
 - 4.7.9.1.2. any qualifications or qualities to be sought in the person to be appointed;
 - 4.7.9.2. 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
 - 4.7.9.3. make arrangements for a copy of the statement mentioned in [paragraph 4.7.9.1](#) to be sent to any person on request.
- 4.7.10. Where a post has been advertised as provided in [paragraph 4.7.9](#) the Council shall:-

² Section 7 of the Local Government and Housing Act 1989

³ See further the [Glossary of terms at Part 1 of this Constitution](#)

- 4.7.10.1. interview all qualified applicants for the post, or
 - 4.7.10.2. select a shortlist of such qualified applicants and interview those included on the shortlist.
 - 4.7.10.3. Cabinet members will be given the names of those candidates to be interviewed.
- 4.7.11. Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with **paragraph 4.7.9.2**.

Appointments

Appointment of Statutory Chief Officers and Chief Officers

- 4.7.12. A panel of councillors will be appointed for the purpose of appointing Statutory Chief Officers and Chief Officers, which will be known as the **Chief Officer Appointment Panel (“COAP”)**⁴. The Panel must be politically balanced but will not count in the overall allocation of seats to political groups because of its ad-hoc nature. There must be at least one Cabinet member on the Panel.
- 4.7.13. Only councillors who have completed training in respect of recruitment and selection can be members of the COAP. The COAP must interview all qualified applicants for the post or select a shortlist of such qualified applicants and interview those included on the short list.
- 4.7.14. Once the COAP identifies a candidate for appointment, and before making any offer of appointment, the COAP must inform the Proper Officer of the recommendation.
- 4.7.15. The Proper Officer will inform each Cabinet member of:
- 4.7.15.1. the name of the person recommended for appointment; and
 - 4.7.15.2. any other particulars relevant to the appointment (such as references, prior appointments etc); and
 - 4.7.15.3. the period within which any objection to the making of the offer is to be notified to the Proper Officer by the Leader on behalf of the Cabinet⁵.
- 4.7.16. No offer of employment can be made⁶ until one of the following occurs:
- 4.7.16.1. The Leader has notified the Proper Officer that no member of the Cabinet

⁴ The COAP will be appointed by the **Employment Committee**, see further **Article 7** of Part 2 of this constitution.

⁵ The standard period will be 3 working days, but may be shortened by the Chairman of the COAP where necessary for the proper discharge of the Authority’s functions, subject to a minimum period of 24 hours.

⁶ By the Full Council in respect of the Head of Paid Service or the COAP in respect of all other statutory chief officers and chief officers

- has objected to the proposed offer of appointment; or
- 4.7.16.2. the Proper Officer has confirmed no objection was received from the Leader within the specified period; or
- 4.7.16.3. the appointing body is satisfied that any objection to the proposed appointment which has been received from the Leader within the specified period is not material and / or is not well-founded or does not outweigh the other factors taken into consideration by the COAP⁷.
- 4.7.17. Full Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.

Other Appointments

- 4.7.18. Appointment of officers below Statutory Chief Officers and Chief Officers is the responsibility of the Head of Paid Service or their nominee, usually the relevant Chief Officer. The appointing officer must undertake training in recruitment and selection prior to making any appointments and apply the **Recruitment and Selection Policy of the Council**. They may consult members on such appointments, but are not required to do so.

Disciplinary Action

Statutory Chief Officers

- 4.7.19. Disciplinary matters involving Statutory Chief Officers will be determined by the **Investigating and Disciplinary Committee ("IDC")**, which membership shall include at least one Cabinet Member.
- 4.7.20. Part Three of the **Joint Negotiating Committee for Local Authority Chief Executives - Constitution, Conditions of Service and Salaries (8 August 2017)**, or its replacement, will be applied where disciplinary action is contemplated against a Statutory Chief Officer. Where these Rules conflict with that document, the document shall prevail.
- 4.7.21. Disciplinary action in respect of a Statutory Chief Officer will comply with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations

⁷ Council (for Head of Paid Service) or COAP (for all other chief officers) will determine in each case whether an objection is material and/or well-founded, having regard to the relevance of any such objection to the suitability of the particular candidate for that particular role, not being matters which relate to a protected characteristic under s.4 of the Equality Act 2010. The terms "material" and "well-founded" shall bear their normal dictionary meanings.

2015, or other legislative requirements or guidance in force at the relevant time⁸.

- 4.7.22. Statutory Chief Officers may be suspended without prejudice whilst an investigation takes place into alleged misconduct⁹.
- 4.7.23. Subject to the provisions set out at paragraph 4.7.29, following a disciplinary investigation and hearing, the IDC may take disciplinary action short of dismissal against a Statutory Chief Officer.
- 4.7.24. Once the IDC identifies a disciplinary sanction, it must inform the Proper Officer of the recommendation.
- 4.7.25. The Proper Officer will inform each Cabinet member of:
 - 4.7.25.1. the name of the person to be sanctioned; and
 - 4.7.25.2. any other particulars relevant to the sanction; and
 - 4.7.25.3. the period within which any objection to the issuing of the sanction is to be notified to the Proper Officer by the Leader on behalf of the Cabinet .
- 4.7.26. If, following a disciplinary investigation and hearing, the IDC proposes dismissal of the Statutory Chief Officer, this proposal must be considered by the Statutory Disciplinary Committee before being presented to Council for consideration. The Statutory Disciplinary Committee must include two Independent Persons.
- 4.7.27. The IDC's recommendation of a disciplinary action will not be confirmed¹⁰ until one of the following is satisfied:
 - 4.7.27.1. The Leader of Council has notified the Proper Officer within the specified timescale that neither they nor any Cabinet member objects to the disciplinary sanction; or
 - 4.7.27.2. The Proper Officer has notified the IDC that they have received no objection to the sanction from the Leader of Council within that timescale; or
 - 4.7.27.3. The IDC is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.
- 4.7.28. If the Statutory Disciplinary Committee confirms the IDC recommendation for dismissal, the matter shall be referred to Council for determination. The meeting of Council to consider that recommendation shall be fixed on a date not less than 20 working days after the Statutory Disciplinary Committee confirmation that dismissal may be an appropriate sanction. Council must take into account:
 - 4.7.28.1. the recommendations of the IDC;

⁸ These regulations set out, amongst other things, the requirements for independent persons to be involved in the disciplinary process of Statutory Chief Officers.

⁹ Any suspension should be regularly reviewed

¹⁰ By Council in the event of dismissal, or the IDC in the event of a disciplinary sanction short of dismissal

- 4.7.28.2. any advice, views or recommendation of the Statutory Disciplinary Committee;
- 4.7.28.3. the conclusions of any investigation into the proposed dismissal; and
- 4.7.28.4. any representations from the relevant Statutory Chief Officer before the taking of a vote at the meeting on whether or not to approve such a dismissal.

- 4.7.29. Any remuneration, allowances or fees paid by the Council to an independent person must not exceed the level of remuneration, allowances or fees payable to independent persons in under the Localism Act 2011¹¹ as reflected in the co-optee allowance set out in the **Members Allowance Scheme** at Part 7 of this Constitution.
- 4.7.30. No dismissal of the Statutory Chief Officers shall take place other than in accordance with a procedure that is compliant with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended or other legislative requirements or guidance in force at the relevant time. Council must approve the dismissal of a Statutory Chief Office before notice of dismissal is given to that Officer.

Other Staff

- 4.7.31. Disciplinary action against, or the dismissal of, a member of staff below the level of a Statutory Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service, or an Officer nominated by them.
- 4.7.32. Councillors will not be involved in disciplinary action against, or the dismissal of, any Officer below deputy chief officer, except:
 - 4.7.32.1. where such involvement is necessary for any investigation or inquiry into alleged misconduct; and
 - 4.7.32.2. where serving as a member of any committee or sub-committee established to consider an appeal through the Council's disciplinary, capability and related procedures as adopted from time to time.

Posts Shared with Other Local Authorities

- 4.7.33. Where Council has approved sharing a post of Statutory Chief Officer, Chief Officer, Deputy Chief Officer or Head of Service with one or more other local authorities, the appointment and dismissal of, or the taking of disciplinary action against, the Officer will be undertaken in accordance with the procedural rules of the employing authority, or otherwise as may be agreed between the authorities.

¹¹ Section 28(8)(d) of the Localism Act 2011

The Council will seek the opportunity to be represented proportionately at each stage of the process as if the action were being undertaken under these Rules.

- 4.7.34. Paragraph 4.7.35 does not prevent the Council agreeing in any particular case to any of the actions being undertaken by a joint committee, a sub-committee of that committee or a committee or sub-committee, or an officer of any of the authorities.

Temporary and Interim Appointments

- 4.7.35. If the Head of Paid Service decides to make a temporary appointment otherwise than through an employment agency, and the term of the proposed appointment is longer than six months, then the process will be in accordance with these Rules. If the proposed term is six months or shorter, then the Head of Paid Service will make the appointment.
- 4.7.36. If the Head of Paid Service decides to make an interim appointment through an employment agency they will consult the Leader, the relevant Cabinet members and the Leader of the largest minority group, before making an appointment.
- 4.7.37. If the vacant post is that of the Head of Paid Service the full Council will decide how it wishes to proceed.