



Part 4, Section 8: Officer Employment Procedure Rules

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1. Definitions

For the purpose of these Rules,

- a) a "Statutory Officer" means the Head of the authority's paid service, the Chief Finance Officer and the Monitoring Officer;
- b) a "director" means:
 - i) a person for whom the Head of the authority's paid service is directly responsible;
 - ii) a person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the Head of the authority's paid service; and
 - iii) any person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the local authority themselves, the Executive or any committee or sub-committee of the authority,

whose duties are not solely secretarial or clerical, or are otherwise in the nature of support services; and

A guide to the Council's management structure, containing these posts, is set out at Part 7 of this Constitution.

2. 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 relation of any kind 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 them.
- 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 (including no provision of a written reference for a candidate for submission with an application for appointment).

3. Recruitment of Head of Paid Service and Directors

Where the Council proposes to appoint a Director, 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 (1) to be sent to any person on request.

4. Appointment of Statutory Officers, and Directors

- a) The full Council will appoint the Head of Paid Service (Chief Executive).
- b) The full Council will appoint the Monitoring Officer and the Chief Finance Officer, following receipt of a recommendation in respect of such an appointment from the Head of Paid Service, in consultation with the Leader of the Executive, Chairman of Scrutiny and such other Member or Officer of the authority as the Head of Paid Service may think fit.
- c) Where a committee, sub-committee or officer is discharging on behalf of the Council the function of appointment of the Head of paid Service the Council must approve that appointment before an offer of appointment is made to that person
- d) Appointment to Corporate Director posts will be made by an appointments panel comprising the Chief Executive, Leader of the Executive, or their nominee, and a representative of the principal minority group. Panel Members, before they can take part in the appointment process, must undertake training in recruitment and selection.

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5. Executive Involvement

Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment of any Officer referred to in Rule 3 or 4, at least one member of the Executive must be a member of that committee/ sub-committee. Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Executive must be a member of that committee or sub-committee.

An offer of an appointment as an Officer referred to in Rule 4 (Statutory Officers, Chief Officers and Deputy Chief Officers) above must not be made by the appointer until:

- a) the appointer has notified the Head of Paid Service [proper officer] of the name of the person to whom the appointer wishes to make the offer, and any other particulars which the appointer considers are relevant to the appointment;
- b) the Head of Paid Service has notified every Member of the Executive of -
 - i) the name of the person to whom the appointer wishes to make the offer;
 - ii) any other particulars relevant to the appointment which the appointer has notified to the Head of Paid Service; and
 - iii) the period within which any objection to the making of the offer is to be made by the Leader, on behalf of the Executive, to the Head of Paid Service; and
- c) either:
 - i) the Leader has, within the period specified in the notice under Rule 5(b)(iii) above, notified the appointor that neither he nor any other Member of the Executive has any objection to the making of the offer;
 - ii) the Head of Paid Service has notified the appointor that no objection was received by them within that period from the Leader; or
 - iii) the appointor is satisfied that any objection received from the Leader within that period is not material, or is not well-founded.

6. Other appointments

- a) **Officers below Director.** Appointment of Officers below Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and cannot involve Councillors.
- b) **Assistants to political groups (if any).** Appointment of any assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary Action and Dismissal in respect of the Statutory Officers

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- a) No dismissal of the Statutory 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 by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- b) The full Council must approve the dismissal of the Head of Paid Service [the Monitoring Officer or the Chief Finance Officer] before notice of dismissal is given to that Officer.
- c) Where a committee, sub-committee or officer is discharging on behalf of the Council the function of dismissal of the Statutory Officers the Council must approve that dismissal before notice is given to that person

8. Disciplinary Action and Dismissal in respect of Chief Officers and Deputy Chief Officers (other than the Statutory Officers)

Disciplinary action against, or the dismissal of, a Chief Officer or Deputy Chief Officer is the responsibility of the Head of Paid Service, or an Officer nominated by them following, as is considered appropriate, consultation with the Leader of the Executive, Chairman of Scrutiny Commission or other Member or Officer of the authority.

9. Executive Involvement

Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the dismissal of any Officer referred to in Rule 7 or 8, at least one member of the Executive must be a member of that committee/ sub-committee.

Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Executive must be a member of that committee or sub-committee.

Notice of the dismissal of an Officer referred to in Rule 4 (Statutory Officers, Chief Officers and Deputy Chief Officers) above must not be made by the dismissor until:

- a) the dismissor has notified the Head of Paid Service of the name of the person to dismiss, and any other particulars which are considered relevant to the dismissal;
- b) the Head of Paid Service has notified every member of the Executive of:
 - i) the name of the person whom the dismissor wishes to dismiss;
 - ii) any other particulars relevant to the dismissal which the dismissor has notified to the Head of Paid Service; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Head of Paid Service; and
- (c) either:
 - i) the Leader has, within the period specified in the notice under subparagraph (b)(iii), notified the dismissor that neither he nor any other Member of the Executive has any objection to the dismissal;
 - ii) the Head of Paid Service has notified the dismissor that no objection was received by them within that period from the Leader; or
 - iii) the dismissor is satisfied that any objection received from the Leader within that period is not material, or is not well-founded.

10. Disciplinary Action and Dismissal in respect of Other Staff

- a) Disciplinary action against, or the dismissal of, a member of staff below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service, or an Officer nominated by them.
- b) Councillors will not be involved in disciplinary action against, or the dismissal of, any Officer below Deputy Chief Officer, except:
 - i) where such involvement is necessary for any investigation or inquiry into alleged misconduct; and
 - ii) 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.