

OFFICER EMPLOYMENT PROCEDURE RULES

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*Reference:
Sections 8, 9 and 20, Local Government and Housing Act 1989
Local Government Act 2000
Chapters 8 and 9, DETR Guidance on New Council Constitutions*

1. Recruitment and Appointment

(a) Declarations

- (i) Any candidate for appointment as an officer shall sign a written declaration stating whether they are the relative of an existing Councillor or officer of the Council; or of the partner of such persons.
- (ii) “Relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons; and “partner” means a member of a couple who live together.
- (iii) 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) Subject to paragraph (iii), 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) Subject to paragraph (iii) no Councillor will seek support for any person for any appointment with the Council.
- (iii) Paragraphs (i) and (ii) above shall not preclude a Member from giving a written testimonial of an applicant’s ability, experience or character in relation to an application for a post.

2. Recruitment of Head of Paid Service and Chief Officers

(For definition of Chief Officers see Article 12)

2.1 Job Description and Advertising

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing officers, the Chief Executive, in consultation with the Employment Committee of the Council, shall:-

- (a) draw up a statement specifying the duties of the Chief Officer concerned and 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) above to be sent to any person on request.

2.2 Interviews

- (i) Where a post has been advertised as provided in Rule 1(b) above, the Employment Committee shall:
 - (a) interview all qualified applicants for the post; or
 - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (ii) Where no qualified person has applied, the Chief Executive, in consultation with the Employment Committee, shall make further arrangements for advertisement in accordance with Rule 2.1(b)

3. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by the Employment Committee of the Council. That Committee must include at least one Member of the Cabinet.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any Member of the Cabinet.

4. Appointment of Chief Officers

- (a) The Employment Committee of the Council will appoint chief officers. That Committee must include at least one Member of the Cabinet.
- (b) An offer of employment as a chief officer shall only be made where no well-founded objection from any Member of the Cabinet has been received.

5. Offers of Appointment – Head of Paid Service and Chief Officers

- (a) No offer of appointment shall be made until:-
- (i) the Employment Committee has notified the Head of Human Resources or relevant Chief Officer of the name of the person to whom they wish to make the offer and of any other particulars which the Committee considers relevant to the appointment.
 - (ii) The Head of Human Resources or relevant Chief Officer has notified every Member of the Cabinet of:
 - ◆ the name of the person to whom the Committee wish to make the offer;
 - ◆ any other particulars notified; and
 - ◆ the period, not being more than five working days, within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Human Resources or relevant Chief Officer.
 - (iii) Either the Leader has within the objection period notified the Employment Committee that neither he nor any other Member of the Cabinet has any objection to the making of the offer, the Head of Human Resources or relevant Chief Officer has notified the Employment Committee that he has received no objection within the objection period from the Leader, or the Employment Committee is satisfied that any objection received from the Leader is not material or is not well-founded.
- (b) In relation to the appointment of the head of paid service no offer of appointment can be made before the Council has approved the appointment. In its report to the Council for approval, the Employment Committee shall indicate whether or not any objection has been received from the Leader and where an objection has been received its recommendation in relation to that objection.
- (c) Where the Head of Human Resources or relevant Chief Officer is unable to act, the Chief Executive (or, if appropriate, the Deputy Chief Executive) shall nominate another officer in his place.

6. Employment of Officers below Chief Officer

Appointment of officers below 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.

7. Disciplinary Action – Head of Paid Service and Chief Officers

7.1 Any disciplinary action required will be taken by the Employment Committee of the Council.

7.2 No disciplinary action in respect of the Council's head of paid service, its monitoring officer or its chief finance officer, except action described in Rule 7.3, may be taken by the Council, or by a Committee, or Joint Committee on which the Council is represented or any other person on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001. ("chief finance officer", "disciplinary action", "head of the paid service" and "monitoring officer", have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in Regulation 7 of those Regulations).

7.3 The action mentioned in Rule 7.2 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of 2 months beginning on the day on which the suspension takes effect.

8. Dismissal – Head of Paid Service and Chief Officers

8.1 The full Council will only approve the dismissal of the head of paid service following the recommendation of such a dismissal by the Employment Committee.

8.2 No notice of dismissal shall be given until:-

- (i) The Employment Committee has notified the Head of Human Resources or relevant Chief Officer of the name of the person who the Employment Committee wishes to dismiss and of any other particulars which the Committee considers relevant to the dismissal.

- (ii) The Head of Human Resources or relevant Chief Officer has notified every Member of the Cabinet of
 - the name of the person who the Committee wishes to dismiss;
 - any other particulars notified; and
 - the period, not being more than five working days, within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Human Resources or relevant Chief Officer.
- (iii) Either the Leader has within the objection period notified the Employment Committee that neither he nor any other Member of the Cabinet has any objection to the dismissal, the Head of Human Resources or relevant Chief Officer has notified the Employment Committee that he has received no objection within the objection period from the Leader or the Employment Committee is satisfied that any objection received from the Leader is not material or is not well-founded.

8.3 In relation to the head of paid service no notice of dismissal can be given before the Council has approved the dismissal. In its report to the Council for approval the Employment Committee shall indicate whether or not any objection has been received from the Leader and where an objection has been received, its recommendation in relation to that objection.

8.4 Where the Head of Human Resources or relevant Chief Officer is unable to act the Chief Executive (or, if appropriate, the Deputy Chief Executive) shall nominate another officer in his place.

9. Disciplinary Action and Dismissal – Other Officers

9.1 Disciplinary Action against and dismissal of officers below chief officer is the responsibility of the head of paid service or his/her nominee.

9.2 Councillors will not be involved in disciplinary action against or dismissal of officers below head of service except where such involvement is necessary for any investigation or enquiry into alleged misconduct through the Council's procedures and as Members of the Appeals Panel.

10. Appointment of Assistants for Political Groups

10.1 Allocation of Political Assistants

No appointment shall be made to any post allocated to a Political Group the appointment to which is required to be made in accordance with the provisions of Section 9 of the Local Government and Housing Act 1989 (Political Assistant) until the Council has allocated such a post to each of the Political Groups on the Council which qualify under the 1989 Act.

10.2 Qualification for Allocation

A post of Political Assistant shall not be allocated to any Political Group which does not qualify for a post and a Political Group only qualifies for a post if:-

- (i) the membership of that Group comprises at least 1/10th of the membership of the Council;
- (ii) the number of the other Groups (if any) which are larger than that Group does not exceed 2; and
- (iii) where the number of other Groups which are the same size as or larger than that Group exceeds 2, the Council has determined that that Group should be a Group to which a post is allocated.

10.3 Filling of Posts

A post of Political Assistant which has been allocated to a Group in accordance with these Employment Procedure Rules and Section 9 of the Local Government and Housing Act 1989 shall be filled from time to time in accordance with the wishes of the Group to which the post has been allocated.