

OFFICER EMPLOYMENT PROCEDURE RULES

1. 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 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 Head of Service 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) No Councillor shall provide a reference for any person applying for a post within the Council.

2. Recruitment of Head of Paid Service, Chief Officers and Statutory Officers

Where the Council proposes to appoint a Head of Paid Service, Chief Officer or other Statutory Officer, 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.

'Chief Officer' and 'Head of Paid Service' shall have the same meaning as in Section 2 of the Local Government and Housing Act 1989.

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 the Senior Appointments Committee

4. Appointment of Chief Officers and Statutory Officers

- (a) The Senior Appointments Committee of the Council will appoint Chief Officers and Statutory Officers.
- (b) An offer of employment as a Chief Officer or Statutory Officer shall only be made where no well-founded objection from any Cabinet Member has been received.

5. Other Appointments

- (a) **Officers below Chief Officer level.** Appointment of officers below Chief Officer level (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) **Suspension.** The Head of Paid Service, Monitoring Officer or S151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay for as short a period as possible.
- (b) Councillors will not be involved in the disciplinary action against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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.

7. Dismissal

- (a) In this paragraph:
 - i. 'the 2011 Act' means the Localism Act 2011;
 - ii. 'S151 Officer', 'disciplinary action', 'Head of the authority's Paid Service' and 'Monitoring' have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - iii. 'Independent Person' means a person appointed under Section 28(7) of the 2011 Act;
 - iv. 'local government elector' means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
 - v. 'the Panel' means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - vi. 'relevant meeting' means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer;
 - vii. 'relevant officer' means the S151 Officer, Head of the authority's Paid Service or Monitoring Officer, as the case may be;
- (b) A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
- (c) The authority must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- (d) In paragraph 7(c) above, 'relevant Independent Person' means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the authority considers appropriate.
- (e) Subject to paragraph 7(f) below, the authority must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 7(c) above in accordance with the following priority order:

- i. A relevant Independent Person who has been appointed by the authority and who is a local government elector;
 - ii. Any other relevant Independent Person who has been appointed by the authority;
 - iii. A relevant Independent Person who has been appointed by another authority or authorities.
- (f) An authority is not required to appoint more than two relevant Independent Persons in accordance with paragraph 7(e) above but may do so.
- (g) The authority must appoint any Panel at least 20 working days before the relevant meeting.
- (h) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –
 - i. Any advice, views or recommendations of the Panel;
 - ii. The conclusions of any investigation into the proposed dismissal; and
 - iii. Any representations from the relevant officer.
- (i) Any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.
- (j) Councillors will not be involved in the dismissal of any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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 dismissals.