

# **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 Chief Officer of the Council, as defined in Article 12; or the partner of such persons.
- (ii) No candidate so related to a Councillor or Chief Officer will be appointed without the authority of the relevant Chief Officer or the Head of Paid Service (especially if the identity of the related Chief Officer and relevant Chief Officer coincide).

### **(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.

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

Where the Council proposes to appoint such an officer, and it is not proposed that the appointment be made exclusively from among their existing officers, 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 and 2 to be sent to any person on request.**

## **3. Appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- (a) The appointment of the Head of Paid Service will be recommended by the Joint Appointments Committee to Council and no offer will be made until Council has made this decision.

- (b) No appointment will be made to the post of the Head of Paid Service, Monitoring Officer or Chief Finance Officer where the Leader of the Cabinet advises the proper officer appointed for the purpose that the Cabinet have a well-founded and material objection to the appointment of that person.

4. **Appointment of Chief Officers as defined in Article 12 (excluding the Head of Paid Service, Monitoring Officer and Chief Finance Officer)**

The appointment of Chief Officers will be made by an interviewing panel which will be the Joint Appointments Committee.

5. **Other Appointments**

Councillors will not be involved in the appointment of any officer below Chief Officer level. The responsibility for these appointments will be with the Head of Paid Service in liaison with the relevant Chief Officer.

6. **Disciplinary Action**

**(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer**

Statutory Officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.

In an emergency, the Head of Paid Service or the Monitoring Officer may suspend a Statutory Officer. In other cases, only the Employment Committee may suspend a Statutory Officer, or extend the suspension. No disciplinary action may be taken in respect of a Statutory Officer except in accordance with a recommendation in a report made by a designated independent investigator.

A politically balanced Sub-Committee of no fewer than four members and no greater than six will be appointed by the Employment Committee to consider any allegations of discipline.

**(b) Chief Officers**

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer, a Sub Committee of no fewer than four elected members will be established by the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

**(c) Other Officers**

Councillors will not be involved in disciplinary action against any Officer below a Chief Officer.

## 7. **Dismissal**

### **(a) Head of Paid Service, Monitoring Officer & Chief Finance Officer**

The dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer must be recommended by Employment Committee and ratified by Council.

Where a Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least a member of the Executive.

When a recommendation to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer is made by a Sub-Committee, the Head of Paid Service or the Monitoring Officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Sub-Committee prior to any recommendation for dismissal being made to Council.

The committee or sub-committee must be appointed at least 20 working days in advance of the scheduled hearing.

In cases where dismissal is recommended the final decision will be taken by council, who must consider any advice, views or recommendations from the committee or sub-committee, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

Notice of dismissal of a Statutory Officer shall only be given where no well-founded objection has been received from any member of the Executive. This shall be provided by the Leader to the officer appointed for the purpose of this procedure.

No notice of dismissal of a Statutory Officer may be given by the council before the proposal has been considered by an Independent Panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

### **(b) Chief Officers**

The dismissal of Chief Officers will be made by a Sub Committee of Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

### **(c) Other Officers**

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

## 8. **Appeals**

The Council's disciplinary capability and related procedures, as adopted allow the right of appeal to a sub-committee in respect of disciplinary matters.

If the Sub-Committee takes action short of dismissal, the Statutory Officer may appeal to a Sub-Committee of the Employment Committee. The Sub-Committee (or no less than four Councillors who have not previously considered the case) will consider the report of the Independent Investigator and any other relevant information considered by the Disciplinary Sub-Committee, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of this Sub-Committee will be final.

- NB. Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to Information procedure rules of the Constitution.