

Officer employment procedure rules

General

1. The council's staff are employed, appointed, designated or engaged on behalf of the whole council and not by parts of the organisation or individuals.
2. The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and procedures of the council.
3. Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are contractor staff and not council staff.
4. Officers may be employees, other persons engaged on temporary contracts, consultancy arrangements or other appropriate terms or contractor staff.
5. Generally (except for certain senior staff appointments) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the council must be discharged on behalf of the council by the head of paid service or by an officer nominated by him or her.

Recruitment and appointment of staff

DECLARATIONS

6. Any candidate for any designation or appointment as an officer with the council who knows that he or she is related to a councillor or officer of the council shall, when making application, disclose, in writing, that relationship to the head of corporate services. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal. The content of this paragraph will be included in any recruitment information.
7. Every councillor and officer of the council shall disclose to the head of corporate services any relationship known to him or her to exist between himself or herself and any person he or she knows is a candidate for a designation or appointment by the council.
8. Persons shall be deemed to be related to a councillor or officer if they are a spouse, partner (i.e. member of a couple living together), parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of these persons.
9. In the case of a dispute under paragraph 8 about the status of a relationship in relation to an appointment, the head of corporate services will rule and such ruling will be applied.

10. 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 or her.

SEEKING SUPPORT FOR APPOINTMENT.

11. The council will disqualify any candidate who directly or indirectly seeks the support of any councillor or officer for any designation or appointment with the council and, if designated or appointed, shall be liable for dismissal. The content of this paragraph will be included in any recruitment information.
12. Subject to rule 13, no councillor will seek support for any person for any designation or appointment with the council.
13. Nothing in rules 11 and 12 above will preclude a councillor from giving a written reference for a candidate for submission with an application.

Recruitment of chief executive and statutory officers

14. Where the council proposes to appoint the chief executive, the head of paid service, the monitoring officer or the chief finance 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 the duties of the 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 14 (a) to be sent to any person on request.

APPOINTMENT OF CHIEF EXECUTIVE AND STATUTORY OFFICERS

15. The full Council will approve the appointment of the chief executive, the head paid service, the monitoring officer or the chief finance officer, following the recommendation of such an appointment by the joint staff committee. No offer of appointment may be made until the Council has approved any recommendation to that effect.
16. The full Council may not make or approve the appointment of the chief executive, the head paid service, the monitoring officer or the chief finance officer until:
- (a) the joint staff committee has notified the head of corporate services of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
 - (b) the head of corporate services has notified every member of the Cabinet of:
 - (i) the name of the person to whom the joint staff committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of corporate services; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
 - (c) either:

- (i) the leader of the council has, within the period specified in the notice under rule 16 (b) above notified the joint staff committee that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the head of corporate services has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or
- (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

Dismissal of chief executive and statutory officers

17. The full Council will approve the dismissal of the chief executive, the head paid service, the monitoring officer or the chief finance officer, following the recommendation of such a dismissal by a sub-committee of the joint staff committee. No notice of dismissal shall be given until the Council has approved any recommendation to that effect.
18. The full Council may not give notice of the dismissal of the chief executive, the head of paid service, the monitoring officer or the chief finance officer until:
- (a) a sub-committee of the joint staff committee has notified the head of corporate services of the name of the person whom the sub-committee wishes to dismiss and any other particulars which the sub-committee considers are relevant to the dismissal;
 - (b) the head of corporate services has notified every member of the Cabinet of:
 - (i) the name of the person who the joint staff committee wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the sub-committee has notified to the head of corporate services and
 - (iii) the period within which any objection to the dismissal is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
 - (c) either:
 - (i) the leader of the council has, within the period specified in the notice under rule 18 (b) above notified the sub-committee that neither he or she nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the head of corporate services has notified the sub-committee that no objection was received by him/her within that period from the leader of the council; or
 - (iii) the sub-committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

DISCIPLINARY ACTION AGAINST STATUTORY OFFICERS

19. In the following paragraphs:

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the council’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the council’s area in accordance with the Representation of the People Acts;
- (e) “the sub-committee” means a sub-committee comprising a minimum of three members of the joint staff committee (a sub-committee appointed by the council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the council) plus such independent persons as are appointed to the sub-committee by the sub-committee;
- (f) “relevant meeting” means a meeting of the full Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” means the chief executive, the head of paid service, the monitoring officer or the chief finance officer, as the case may be.

20. A relevant officer may not be dismissed by the Council following disciplinary action unless the procedure set out in the following rules is complied with.

21. The sub-committee must invite relevant independent persons to be considered for appointment to the sub-committee, with a view to appointing at least two such persons to the sub-committee.

22. In rule 21 “relevant independent person” means any independent person who has been appointed by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another council or councils as the council considers appropriate.

23. Subject to rule 24, the sub-committee must appoint to the sub-committee such relevant independent persons who have accepted an invitation issued in accordance with rule 21 in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the council and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the council;
- (c) a relevant independent person who has been appointed by another council or councils.

24. The sub-committee is not required to appoint more than two relevant independent persons in accordance with rule 23 but may do so.

25. The joint staff committee must appoint any sub-committee at least 20 working days before the relevant meeting.

26. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the full Council must take into account, in particular—

- (a) any advice, views or recommendations of the sub-committee;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

27. Any remuneration, allowances or fees paid by the council to an independent person appointed to the sub-committee 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.

Appointment, dismissal of and disciplinary action against heads of service

APPOINTMENT OF HEADS OF SERVICE

28. Where the council proposes to appoint a head of service 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 the duties of the 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 28 (a) to be sent to any person on request.
29. The appointment of heads of service is the responsibility of the joint staff committee.
30. The joint staff committee may not make the appointment of a head of service until:
- (a) the joint staff committee has notified the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) of the name of the person to whom the joint staff committee wishes to make the offer and any other particulars which the joint staff committee considers are relevant to the appointment;
 - (b) the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) has notified every member of the Cabinet of:
 - (i) the name of the person to whom the joint staff committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the joint staff committee has notified to the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive); and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive); and
 - (c) either:
 - (i) the leader of the council has, within the period specified in the notice under rule 30 (b) above notified the joint staff committee that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the head of corporate services (or in the case of the appointment of the head of corporate services, the chief executive) has notified the joint staff committee that no objection was received by him/her within that period from the leader of the council; or

- (iii) the joint staff committee is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

DISMISSAL OF HEADS OF SERVICE

31. Councillors will not be involved in the dismissal of heads of service, other than the monitoring officer or chief finance officer as set out in rules 17 and 18 above or in dealing with appeals against decisions of the chief executive

DISCIPLINARY ACTION AGAINST HEADS OF SERVICE

32. Councillors will not be involved in disciplinary action against heads of service, other than the monitoring officer or chief finance officer as set out in rules 19 to 27 above or in dealing with appeals against decisions of the chief executive.

Appointment, dismissal of and disciplinary action against service managers

APPOINTMENT OF SERVICE MANAGERS

33. Where the council proposes to appoint a service manager and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:
- (d) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
 - (e) 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
 - (f) make arrangements for a copy of the statement mentioned in paragraph 33 (a) to be sent to any person on request.
34. The appointment of service managers is the responsibility of the head of paid service or an officer nominated by him or her, and may not be made by councillors, although councillors may be invited to sit on appointment panels as observers.
35. The head of paid service or an officer nominated by him or her may not make the appointment of a service manager until:
- (a) the head of paid service or an officer nominated by him or her has notified the head of corporate services of the name of the person to whom the head of paid service or his or her nominee wishes to make the offer and any other particulars which the head of paid service or an officer nominated by him or her considers are relevant to the appointment;
 - (b) the head of corporate services has notified every member of the Cabinet of:
 - (i) the name of the person to whom the head of paid service or his or her nominee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the head of paid service or his or her nominee has notified to the head of corporate services; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the Cabinet to the head of corporate services; and
 - (c) either

- (i) the leader of the council has, within the period specified in the notice under rule 35 (b) above notified the head of paid service or an officer nominated by him or her that neither he or she nor any other member of the Cabinet has any objection to the making of the offer;
- (ii) the head of corporate services has notified the head of paid service or an officer nominated by him or her that no objection was received by him/her within that period from the leader of the council; or
- (iii) the head of paid service or an officer nominated by him or her is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

36. Councillors will not be involved in the dismissal of or disciplinary action against service managers.

Appointment, dismissal of and disciplinary action against officers below service managers

37. The appointment of officers below service managers (other than assistants to political groups) is the responsibility of the head of paid service or an officer nominated by him or her, and may not be made by councillors.

38. Councillors will not be involved in the dismissal of or disciplinary action against any officer below service managers.

Appointment of assistants to political groups

39. The council may create not more than three posts of assistants to political groups.

40. No such appointment shall be made until the Council has allocated such a post to each political group which qualifies for one under the Local Government and Housing Act 1989.

41. No such appointment shall be made in respect of any political group which does not qualify for one under the Local Government and Housing Act 1989.

42. Not more than one post shall be allocated to any political group.

43. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

44. Assistants to political groups are responsible to the head of paid service as a member of staff.

45. Disciplinary action and dismissal of an assistant to a political group shall be undertaken by the head of paid service or an officer nominated by him or her.