

# Appendix A

## PART 4K - OFFICER EMPLOYMENT PROCEDURE RULES

### 1. Recruitment and Appointment

#### 1.1 Declarations

1.1.1 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, partners, 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.

1.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or Assistant Chief Executive or an officer nominated by him/her.

#### 1.2 Seeking support for appointment

1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2 Subject to paragraph 1.2.3, no councillor or officer will canvass support for any person for any appointment with the Council.

1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a councillor or officer from giving a written reference for a candidate for submission with an application for appointment except where the councillor or officer is a member of the appointment panel in that case.

### 2. Recruitment of Head of Paid Service, Directors and Assistant Chief Executives

2.1 Where the Council proposes to appoint the Head of Paid Service or a Director or Assistant Chief Executive and it is not proposed that the appointment be made exclusively from among their existing officers, the Appointments Sub-Committee will:

2.1.1 Draw up a statement specifying:-

2.1.1.1 the duties of the officer concerned; and

2.1.1.2 any qualifications or qualities to be sought in the person to be appointed

- 2.1.2 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;
- 2.1.3 Make arrangements for a copy of the statement mentioned in paragraph 2.1.1 to be sent to any person on request;
- 2.1.4 Either interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those on the short list; and
- 2.1.5 Where no qualified person has applied, make further arrangements for advertisement in accordance with paragraph 2.1.2 above.

### **3. Appointment or Dismissal of Head of Paid Service, Directors, Assistant Chief Executives, Chief Finance Officer and Monitoring Officer**

#### **3.1 *Appointments***

- 3.1.1 Only the full Council shall approve (or otherwise) the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one member of the Executive.
- 3.1.2 The Appointments Sub-Committee will appoint Directors, Assistant Chief Executives, the Chief Finance Officer and the Monitoring Officer as designated in Part 2 Article 11 of the Constitution.
- 3.1.3 Before the Sub-Committee makes an offer of an appointment, the Monitoring Officer shall notify every member of the Executive of:-
  - 3.1.3.1 the name of the proposed appointee;
  - 3.1.3.2 the particulars relevant to the appointment; and
  - 3.1.3.3 the period within which objections to the appointment can be made.
- 3.1.4 The Sub-Committee may make an offer provided that:-
  - 3.1.4.1 the Leader, on behalf of the Executive and within the period, raises no objection, or indicates that the Executive has no objection; or
  - 3.1.4.2 the Sub-Committee decides that any objection received from the Leader within the period is not material or is not well founded.

## 3.2 *Dismissals*

- 3.2.1 The full Council shall approve (or otherwise) the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following the recommendation of such dismissal by the Appointments Sub-Committee and subject to compliance with the provisions of paragraph 5.
- 3.2.2 The responsibility for dismissal of Directors, Assistant Chief Executives and Assistant Directors rests with the Head of the Paid Service or his/her nominee.
- 3.2.3 Before full Council (in the case of the Head of Paid Service, Chief Finance Officer and Monitoring Officer) or the Head of the Paid Service or his/her nominee (in the case of Directors) determines to issue a notice of dismissal, the Monitoring Officer or his/her deputy shall notify every member of the Executive of:-
  - 3.2.3.1 the name of the person proposed to be dismissed;
  - 3.2.3.2 any other particulars relevant to the proposed dismissal; and
  - 3.2.3.3 the period within which objections to the dismissal can be made.
- 3.2.4 The Sub-Committee or the Head of Paid Service or his/her nominee may determine to issue a notice of dismissal, provided that:-
  - 3.2.4.1 the Leader, on behalf of the Executive and within the period, indicates that the Executive has no objections, or raises no objection; or
  - 3.2.4.2 the Sub-Committee or the Head of Paid Service or his/her nominee as appropriate decides that any objection received from the Leader within the period is not material or is not well founded.

## 4. **Other Appointments/Dismissals**

- 4.1 **Officers below Director.** Appointment of officers below Director level (other than Assistant Chief Executive, the Chief Finance Officer and Monitoring Officer and assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee (and may not be made by Councillors) subject to compliance with the provisions of paragraph 3.1.3 and 3.1.4 in the case of Assistant Directors.

- 4.2 Dismissal of officers below Director level other than Assistant Chief Executives is the responsibility of the Head of Paid Service, subject to compliance with the provisions of paragraphs 3.2.3 and 3.2.4 above in respect of Assistant Directors.
- 4.3 **Assistants to political groups.** Where the Council has approved the establishment of posts of assistant to political groups, their appointment shall be made in accordance with the wishes of the respective political group.

## 5. Disciplinary Action

- 5.1 **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months except in relation to the Monitoring Officer if his/her suspension is due to the circumstances set out in paragraph 5.2.
- 5.2 If the Monitoring Officer is employed in relation to the provision of legal services to the Council by a third party and s/he is suspended as an employee by that same third party then s/he shall be automatically suspended as Monitoring Officer until such time as his/her employment suspension is resolved even if such suspension exceeds two months.
- 5.3 If the Monitoring Officer is suspended under paragraph 5.2 s/he will be relieved of his/her responsibilities under this Constitution during such period of suspension except she/he shall not be relieved of the obligation to appoint a deputy monitoring officer as required under the Monitoring Officer Protocol (Part 5E).
- 5.4 Councillors will not be involved in any disciplinary action against any officer 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.

## 6. Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer

- 6.1 In the following paragraphs:
- 6.1.1 "the 2011 Act" means the Localism Act 2011 (1)
- 6.1.2 the terms "Chief Finance Officer", "disciplinary action", "Head of the authority's Paid Service", and "Monitoring Officer" have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(2)
- 6.1.3 "Independent Person" means a person appointed under section 28(7) of the 2011 Act
- 6.2 An officer holding a relevant post may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

- 6.2.1 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.
- 6.2.2 In paragraph 6.2.1 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.
- 6.2.3 Subject to paragraph 6.3, the authority must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.2.1 in accordance with the following priority order:
  - 6.2.3.1 a relevant Independent Person who has been appointed by the authority and who is a local government elector
  - 6.2.3.2 any other relevant independent person who has been appointed by the authority
  - 6.2.3.3 a relevant independent person who has been appointed by another authority or authorities.
- 6.3 An authority is not required to appoint more than two relevant Independent persons in accordance with paragraph 6.2.3 above but may do so.
- 6.4 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 6.5 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:
  - 6.5.1 any advice, views or recommendations of the Panel;
  - 6.5.2 the conclusions of the investigations of the proposed dismissal; and
  - 6.5.3 any representations from the relevant officer.
- 6.6 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.