

Section 9 - Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for employment 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 senior officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or a senior officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- iii) Every councillor and senior officer of the council shall disclose to the Chief Executive any such relationship known to him to exist between him/herself and any person whom he/she knows is a candidate. The Chief Executive shall make an annual report of any such disclosure to the relevant overview and scrutiny committee.
- iv) For the purpose of this rule "Senior Officer" means any employee paid a salary more than spinal column point 33 or equivalent.

(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) This rule will not preclude a councillor from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

(c) Recruitment and Selection

All recruitment, selection and appointments of employees, shall be in accordance with the procedures laid down by the Council's Code of Practice on Recruitment and Selection, and any other relevant

Council Policies and Procedures which may be adopted from time to time.

2. Recruitment of head of paid service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the Chief 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 (a) to be sent to any person on request.

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 Council's Human Resources Committee set up for that purpose. That committee must include at least one member of the executive.
- (b) The full Council may only approve the appointment of the head of paid service where no well-founded objection has been made by any member of the executive under paragraph (5) below.

4. Appointment of chief officers and deputy chief officers

- (a) Subject to Paragraph 5 below the Human Resources Committee of the Council will appoint chief officers and deputy chief officers. That committee must include at least one member of the executive.

5. Objections to certain appointments

An offer of appointment as Head of Paid Service, Chief Officer or Deputy Chief Officer must not be made by the appointor until:-

- (a) the appointor has notified the Chief Executive of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.

- (b) the Chief Executive has notified to every member of the executive of the authority of:-
 - (i) the name of the person to whom the appointor wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Chief Executive and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the executive to the Chief Executive and
- (c) either
 - (i) the Leader has within the period specified in the notice under paragraph b (iii) above notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer
 - (ii) the Chief Executive has notified the appointor that no objection was received by him within that period from the Leader or (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded

6. Other appointments

- (a) Officers below deputy chief officer Appointment of employees below deputy 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.
- (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.

7. Disciplinary action

Subject to the following provisions

- (a) The dismissal of and taking of disciplinary action against a member of staff of the authority must be discharged by the head of paid service or a person nominated by him/her.
- (b) Suspension – Chief Officers may be suspended on full pay whilst an investigation takes place into alleged misconduct. The Head of Paid Service may be suspended by the Human Resources Committee. Other Chief Officers (including the Chief Finance

Officer and the Monitoring Officer) may be suspended by the Head of Paid Service.

(c) In the following paragraphs –

“Independent Person” means a person appointed under section 28(7) of the Localism Act 2011;

“Statutory Officer” means the “Head of Paid Service”, “Chief Finance Officer” or “Monitoring Officer” as the case may be.

(d) The Head of Paid Service may take disciplinary action (except for dismissal) against any Chief Officer and Deputy Chief Officer.

(e) Subject to the provisions below, the Human Resources Committee may take disciplinary action (except for dismissal) against a Statutory Officer and may take disciplinary action (including dismissal) in respect of any other Chief Officer and Deputy Chief Officer.

(f) A Statutory Officer shall only be dismissed by resolution of Council and Council must approve that dismissal before notice of dismissal is given to the officer concerned.

(g) A Statutory Officer may not be dismissed unless the following procedure is complied with:

(i) The Director of Human Resources and Organisational Development must invite relevant Independent Persons to be considered for appointment by the Council to the Dismissal Advisory Committee, with a view to appointing two such persons to the Committee.

(ii) The Council must appoint to the Dismissal Advisory Committee such relevant Independent Persons who have accepted an invitation issued in accordance with this paragraph in the following priority order:

- a relevant Independent Person who has been appointed by the Council and who is a local government elector;
- any other relevant Independent Person who has been appointed by the Council;
- a relevant Independent Person who has been appointed by another authority or authorities.

(iii) The Council will normally appoint two Independent Persons to the Dismissal Advisory Committee but may appoint more if it so determines.

- (iv) The Dismissal Advisory Committee must be appointed at least 20 working days before a meeting of the full Council to consider whether or not to approve a recommendation of the Human Resources Committee to dismiss a Statutory Officer.
- (v) Where the Human Resources Committee is dealing with disciplinary action against a Statutory Officer, the Independent Persons who are to sit on the Dismissal Advisory Committee will be invited to attend and observe the proceedings of the Human Resources Committee.
- (vi) Before the taking of a vote at a meeting of the full Council on whether or not to approve such a dismissal, the Council must take into account, in particular:
 - any advice, views or recommendations of the Dismissal Advisory Committee;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the Statutory Officer.
- (h) Any remuneration, allowances of fees paid by the Council to an Independent Person appointed to the Dismissal Advisory 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 Localism Act 2011.
- (i) Councillors will not be involved in the disciplinary action against any employee below deputy chief 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.

8. Dismissal

Councillors will not be involved in the dismissal of any employee below deputy chief 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 dismissals.

9. Objection to certain dismissals

Notice of the dismissal of the Head of Paid Service, a Chief Officer or Deputy Chief Officer must not be given by the dismissor until:-

- (a) the dismissor has notified the proper officer (who shall be the Chief Executive except in the case of the dismissal of Head of Paid Service when it shall be the Monitoring Officer) of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the executive of the authority of;
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either;
 - (i) the executive leader has, within the period specified in the notice under paragraph b (iii) above notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
 - (ii) the proper officer has notified the dismissor that no objection has been received by him within that period from the executive leader; or
 - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

10. Definition of Chief Officer and Deputy Chief Officer

For the purposes of these rules a Chief Officer and Deputy Chief Officer shall be as defined in Section 2 of the Local Government and Housing Act 1989 and set out in Part 7 of this Constitution.