

## **OFFICER EMPLOYMENT AND DISMISSAL PROCEDURE RULES**

For the purposes of Article 12 of this Constitution these Officer Employment and Dismissal Procedure Rules apply to the employment and dismissal of Council officers.

### **1. Declarations**

- 1.1 The Council will require 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.
- 1.2 No candidate who is related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her. For the purposes of this paragraph "related" shall mean those relationships set out in Officer Employment and Disciplinary Procedure Rule 1.1.
- 1.3 Any candidate who fails to disclose such a relationship can be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.

### **2. Seeking support for appointment**

- 2.1 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.2 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.
- 2.3 Nothing in Officer Employment and Disciplinary Procedure Rules 2.1 or 2.2 will prevent a Member from giving a written reference for a candidate for submission with an application for appointment.

### **3. Appointments on merit**

- 3.1 Every appointment of a person as an officer shall be made on merit subject to the qualifications set out in section 7(2) of the Local Government and Housing Act 1989.

### **4. Recruitment of Head of Paid Service and Chief Officers**

- 4.1 Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning statutory chief officers, non-statutory chief officers and deputy chief officers) and it is not proposed that the appointment be made exclusively from among its 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 such persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement to be sent to any person on request.

## **5. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Chief Officers**

- 5.1 Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers following the recommendation of such an appointment by the Staffing Committee or a sub-committee of the Staffing Committee (which included among its membership at least one member of the Executive). Until the full Council has approved the appointment no offer of appointment is to be made.
- 5.2 Before approving the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers, the Proper Officer will give notice to every member of the Executive of:
  - (a) the name of the person to who it is wished to make the offer;
  - (b) any other particulars relevant to the appointment of which the Proper Officer has been informed; and
  - (c) the period within which any objection to the offer being made is to be made by the Leader on behalf of the Executive to the Proper Officer.
- 5.3 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that neither he nor any other member of the Executive has any objection to the making of the offer, the Proper Officer shall inform the Council accordingly.
- 5.4 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that either he or another member of the Executive objects to the making of the offer, the Proper Officer shall inform the Council and the Council may not make the offer unless Council is satisfied that the objection is not material or is not well-founded.

## **6. Other appointments**

- 6.1 The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Members.
- 6.2 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **7. Disciplinary action and dismissal of Head of Paid Service, Monitoring Officer Chief Finance Officer**

- 7.1 For the purposes of these Officer Employment and Disciplinary Procedure Rules “disciplinary action” in relation to an officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personnel file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill-health or infirmity of mind

or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

- 7.2 **Suspension.** Notwithstanding Officer Employment and Disciplinary Procedure Rule 7.3 the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will normally last no longer than two months.
- 7.3 **Procedure for dismissal or taking disciplinary action.** No decision to dismiss the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer may be made, or notice of dismissal given unless:
- (a) a Panel comprising the Staffing Committee (which includes among its membership at least one member of the Executive) and the Independent Person for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (“the Panel”) has met;
  - (b) the Panel has made a recommendation to the Council to dismiss or to take other disciplinary action against the officer;
  - (c) before making that recommendation the Panel has appointed a designated independent person (“the Qualified Person”) for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 to investigate and report on the alleged misconduct;
  - (d) the appointment of the Qualified Person was agreed in advance with the officer (unless the officer unreasonably refuses to agree or delays the appointment);
  - (e) the Qualified Person has prepared a report into the alleged misconduct and the report contains any representations by the officer to the report’s findings; and
  - (f) the recommendation of the Panel was made only after considering the Qualified Person’s report.
- 7.4 In deciding whether or not to approve the Panel’s recommendation, the Council must take into account:
- (a) any advice or further recommendations from the Panel;
  - (b) the views of the Qualifying Person;
  - (c) the conclusions of the report into the investigation into the proposed dismissal or disciplinary action; and
  - (d) any representations from the officer or made on his behalf.
8. **Disciplinary action and dismissal of other Chief Officers**
- 8.1 No decision to dismiss a Chief Officer may be made, or notice of dismissal given unless:
- (a) the Head of Paid Service has undertaken a preliminary investigation which has identified that there is a potential case to answer, a Sub Committee of the

Staffing Committee of no fewer than three elected members has been established, as set out in the JNC Constitution conditions of service and salaries for Chief Officers has met; and

- (b) the Sub-Committee has made a recommendation to the Council to dismiss or to take other disciplinary action against the Chief Officer;

8.2 In deciding whether or not to approve the Sub-Committee's recommendation, the Council must take into account:

- (a) any advice or further recommendations from the Sub-Committee;
- (b) the conclusions of any report into the investigation into the proposed dismissal or disciplinary action; and
- (c) any representations from the officer or made on his behalf.

## 9. **Disciplinary action and dismissal of other officers**

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