

## **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. Appointments on merit**

- 1.1. 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.

### **2. Transparency requirement**

- 2.1. The Council will require any candidate for appointment as an officer to state in writing whether they are related to or the partner of any existing councillor or officer of the Council.
- 2.2. 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.
- 2.3. 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.

### **3. Seeking support for appointment**

- 3.1. 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.
- 3.2. Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.
- 3.3. 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.

#### **4. Other appointments**

- 4.1. 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.
- 4.2. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

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

- 5.1. Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning Executive Directors and Corporate Directors and equivalents), the Council will 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;

And the relevant Cabinet Portfolio holder will use the statement in order to help him or her decide whether the appointment should be advertised externally or recruited exclusively from amongst the Council's existing officers. Whether the post is to be advertised internally only or externally the Council will

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

#### **6. Role of the Staffing Committee**

- 6.1. Except in the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the Staffing Committee is responsible for appointing Chief Officers.
- 6.2. The Staffing Committee is not a standing committee of the Council. Instead a Staffing Committee will be formed whenever appointments, recommendations of appointments or disciplinary decisions are needed. Members of the Staffing Committee will be nominated by group leaders on a politically proportionate basis.
- 6.3. For the appointment of or disciplinary decisions in relation to:

- (i) Corporate Directors: the Staffing Committee or a sub-committee will comprise three councilors
- (ii) Executive Directors the Committee or a sub-committee will comprise five councilors.

Recommendations to appoint the Head of Paid Service, Monitoring Officer or Chief Finance Officer will be made by a Staffing Committee of five councilors. Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer is governed by rule 8 and for other Chief Officers by rule 9.

- 6.4. For any appointment the Staffing Committee will decide on a proportionate appointment process, including the use of any stakeholders or similar panels but the final appointment decision or recommendation to Council shall be that of the Committee.
- 6.5. Appointment of a Chief Officer on an interim basis will follow the same process as that for a permanent appointment.

## **7. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Executive Directors**

- 7.1. Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer following the recommendation of such an appointment by 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.

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

- 8.1. For the purposes of these 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.
- 8.2. 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.

- 8.3. No decision to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may be made, or notice of dismissal given unless the Council has complied with the requirements of regulation 7 of the Local Authorities (Standing Orders) Regulations 2001 and Schedule 3 to the Regulation (which is incorporated by reference and forms part of these rules).

**9. Disciplinary action and dismissal of other Chief Officers**

- 9.1. 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 has been established, has met; and
  - (b) the Sub-Committee has made a recommendation to the Staffing Committee to dismiss or to take other disciplinary action against the Chief Officer;
- 9.2. In deciding whether or not to approve the Sub-Committee's recommendation, the Staffing Committee 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 or her behalf

**10. Disciplinary action and dismissal of other officers**

- 10.1. 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.