OFFICER EMPLOYMENT PROCEDURE RULES

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1. Recruitment and Appointment

a. Declarations

(i) 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, 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.

(ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Strategic Director or an officer nominated by her/him.

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) A Councillor may write a character reference giving her/his views of the candidate's ability or experience when he/she applies for an appointment, but must not try to gain the candidate preferential treatment.

2. Recruitment of Head of Paid Service and Chief Officers (*known as Strategic Directors)*

a. Where the authority proposes to appoint a Chief Officer, and it is not proposed that the appointment shall be made exclusively from among their existing officers, arrangements shall be made:

(i) To 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;

(ii) 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

(iii) For a copy of the statement mentioned in paragraph (i) to be sent to any person on request;

b. Where a post has been advertised as provided in (a) above the Council shall make arrangements to:

- Interview all qualified applicants for the post, or
- Select a shortlist of such qualified applicants and interview those included on the shortlist.

c. Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with (a)(ii) above.

3. Appointment of Head of Paid Service

a. The appointment of the Head of Paid Service shall not be made by theCabinet.

b. The Council will approve (before an offer of appointment is made) the appointment of the Head of Paid Service following the recommendation of such an appointment by the relevant Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one member of the Cabinet.

c. An offer of appointment to the post of Head of Paid Service must not be made by Council until:

(i) The Committee or Sub-Committee has notified the Senior Human Resources Manager of the name of the person to be offered the post and any other particulars relevant to the appointment; and

(ii) The Senior Human Resources Manager has notified every member of the Cabinet of:

- The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and
- The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Cabinet, to the Senior Human Resources Manager; and

(iii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Council that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or

- The Senior Human Resources Manager has notified the Council that no objection was received by her/him within that period from the Leader of the Council; or

- The Council is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

4. Appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer

a. The appointment of Strategic Directors, Monitoring Officer and Chief Finance Officer shall not be made by the Cabinet.

b. A Committee or Sub-Committee of the Council will appoint Chief Officers, the Monitoring Officer and the Chief Finance Officer**,** as defined in Article 10 of the Constitution. That Committee or Sub-Committee must include at least one member of the Cabinet. Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Cabinet must be a member of that committee or sub-committee.

c. An offer of appointment to a Strategic Director, Monitoring Officer and Chief Finance Officer post must not be made by the Committee or Sub-Committee until:

(i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person to be offered the post and any other particulars relevant to the appointment;

(ii) The Head of Paid Service has notified every member of the Cabinet of:-

- The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and

- The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Cabinet, to the Head of Paid Service; and

(iii) Either:-

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;

- The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him within that period from the Leader of the Council; or

- The Committee or 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.

5. Appointment of Directors

a. The appointment of Directors shall not be made by the Cabinet.

b. The appointment of Directors will be made by the Head of Paid Service or her/his nominee.

c. An offer of appointment to an Director post must not be made by the Head of Paid Service or her/his nominee until the Head of Paid Service has notified every member of the Cabinet of:

- The name of the person to be offered the appointment, and any other particulars relevant to the appointment; and

- The period within which any objection to the making of the offer can be made by the Leader of the Council, on behalf of the Cabinet, to the Head of Paid Service; and

either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Head of Paid Service that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or

- The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

6. Other Appointments

a. **Officers below Directors.** The appointment of officers below the level of Directors and (other than assistants to political groups and an assistant an Executive Mayor) is the responsibility of the Head of Paid Service or her/his nominee.

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

a. In the following paragraphs—

(i) *"the 2011 Act"* means the Localism Act 2011;
(ii) *"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;
(iii) *"independent person"* means a person appointed under section 28(7) of the 2011 Act;
(iv) *"local government elector"* means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
(v) *"the Panel"* means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
(vi) *"relevant meeting"* means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
(vii) *"relevant officer"* means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

b. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

c. 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.

d. In paragraph 3 *"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.

e.

Subject to paragraph f, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph c in accordance with the following priority order—
(i) a relevant independent person who has been appointed by the authority and who is a local government elector;
(ii) any other relevant independent person who has been appointed by the authority;
(iii) a relevant independent person who has been appointed by another authority or authorities.

f. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph e. but may do so.

g. The authority must appoint any Panel at least 20 working days before the relevant meeting.

h. 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—
(i) any advice, views or recommendations of the Panel;
(ii) the conclusions of any investigation into the proposed dismissal; and

i. (iii) any representations from the relevant officer.

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.”

8. Dismissal of Strategic Directors

a. The dismissal of Strategic Directors, shall not be made by the Cabinet.

b. A Committee or Sub-Committee of the Council will dismiss Strategic Directors, as defined in Article 12 of the Constitution. That Committee or Sub-Committee must include at least one member of the Cabinet.

c. Notice of dismissal of a Strategic Director must not be given by the Committee or Sub-Committee until:

(i) The Committee or Sub-Committee has notified the Head of Paid Service of the name of the person it wishes to be dismissed and any other particulars relevant to the dismissal.

(ii) The Head of Paid Service has notified every member of the Cabinet of:

- The name of the person the Committee or Sub-Committee wishes to dismiss and any other particulars relevant to the dismissal; and

- 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 Paid Service; and

(iii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (ii) above, notified the Committee or Sub-Committee that neither he/she nor any other member of the Cabinet has any objection to the dismissal;

- The Head of Paid Service has notified the Committee or Sub-Committee that no objection was received by her/him within that period from the Leader of the Council; or

- The Committee or Sub-Committee is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

9. Dismissal of Directors and Heads of Service

a. The dismissal of Directors and Heads of Service shall not be made by the Cabinet.

b. The dismissal of Directors and Heads of Service will be made by the Head of Paid Service or her/his nominee.

c. Notice of dismissal of an Director or Head of Service must not be given by the Head of Paid Service or her/his nominee until:

(i) That officer has notified every member of the Cabinet of:

- The name of the person the Head of Paid Service wishes to dismiss and any other particulars relevant to the dismissal; and

- 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 Paid Service; and

(ii) Either:

- The Leader of the Council has, within the period specified in the notice under sub-paragraph (i) above, notified the Head of Paid Service that neither he/she nor any other member of the Cabinet has any objection to the dismissal; or

- The Head of Paid Service is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

10. Dismissal of Officers below Strategic Director level

The dismissal of officers below the level of Strategic Director will be made by the Head of Paid Service or her/his nominee.

Councillors will not be involved in the dismissal of any officer below Strategic Directors, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures.

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