

PART 4 - PROCEDURAL RULES

SECTION J

OFFICER EMPLOYMENT RULES

1. Recruitment and appointment

1.1 Declarations

- (a) 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.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

1.2 Seeking support for appointment

- (a) Subject to paragraph (c), 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.
- (b) Subject to paragraph (c), no councillor will seek support for any person for any appointment with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service (Chief Executive), Strategic Directors and Heads of Service

Where the Council proposes to appoint the Head of Paid Service (Chief Executive), Strategic Directors, and Heads of Service and it is not proposed that the appointment be made exclusively from among 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 persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph 1 to be sent to any person on request.

3. Appointment of Head of Paid Service (Chief Executive)

- (a) The Full Council will approve the appointment of the Head of Paid Service (Chief Executive) following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least the Leader or one Member of the Executive.
- (b) The Full Council may only make or approve the appointment of the Head of Paid Service (Chief Executive) where no well-founded objection, as determined by the Monitoring Officer, has been made by the Leader or any Member of the Executive.

4. Appointment of Monitoring Officer and Section 151 Officer (Chief Finance Officer)

- (a) The Full Council will approve the appointment of the Monitoring Officer and Section 151 Officer (Chief Finance Officer).
- (b) The Full Council may only make or approve the appointment of the Monitoring Officer and Section 151 Officer (Chief Finance Officer) where no well-founded objection, as determined by the Monitoring Officer, has been made by the Leader or any Member of the Executive.

5. Appointment of Strategic Directors and Heads of Service

- (a) A committee or sub-committee of the Council will appoint the Strategic Directors and Heads of Service. That committee or sub-committee must include at least the Leader or one Member of the Executive.
- (b) An offer of employment as the Strategic Director or Head of Service will only be made where no well-founded objection, as determined by the Monitoring Officer, from the Leader or any Member of the Executive has been received.

6. Other appointments

(a) Officers below Head of Service

Appointment of officers below Heads of Service level is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

(b) **Deputy Monitoring Officer and Deputy Section 151 Officer**

The appointment of the Deputy Monitoring Officer is the responsibility of the Monitoring Officer and the appointment of the Deputy Section 151 Officer is the responsibility of the Section 151 Officer.

7. **Disciplinary action**

(a) **Suspension**

The Head of Paid Service, Monitoring Officer and the Section 151 Officer may be suspended by the Council, the Employment Committee or, where short notice is required, by the Head of HR, Performance and Communications on the instruction of the Employment Committee Chairman for up to 10 working days pending further decision by the Employment Committee, whilst an investigation takes place into alleged misconduct.

(b) **Disciplinary Process**

Any disciplinary action taken in respect of a Statutory Officer will be conducted in accordance with the following:

- (i) Any allegations of misconduct will be referred to a Hearing Sub Committee which will decide whether to appoint an Independent Investigator to investigate the allegations or whether no further action should be taken.
- (ii) Where an investigation is appointed, that Hearing Sub Committee will receive the investigator's report and consider whether to refer the matter to a new Hearing Sub Committee, or whether no further action should be taken.
- (iii) A Hearing Sub Committee will consider whether the allegations are substantiated and, if so, whether one of the following outcomes is appropriate:
 - a) Dismissal;
 - b) Disciplinary action short of dismissal;
 - c) Informal action, such as training or mentoring;
 - d) No further action.
- (iv) In cases where the recommended action is dismissal of a Statutory Officer, an Independent Panel will be appointed in accordance with Regulations¹ and the decision maker must have regard to (A) any advice, views and recommendations of the panel, (B) the conclusions of any investigation into the proposed dismissal and (C) any representations from the relevant officer.

¹ Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

- (v) In cases where the recommended action is dismissal of a Statutory Officer, the decision will be referred to the Full Council for decision, having followed the process at (iv) above.
- (vi) An Appeals Sub Committee will consider any appeals by a Statutory Officer to any disciplinary action taken against them where the action imposed falls short of dismissal.

Any initial disciplinary action taken in respect of non-statutory Strategic Directors and Heads of Service will be dealt with under authority delegated to the Head of Paid Service. However, it may on occasion be appropriate for a matter to be referred by the Head of Paid Service to Members, in which case the matter will be conducted in accordance with (i) – (iii) above.

- (vii) An Appeals Sub Committee will consider any appeals by a non-Statutory Strategic Directors and Heads of Service to any disciplinary action taken against them.
- (viii) All Disciplinary processes considered by Councillors will be carried out in accordance with the Disciplinary & Grievance Policy and Procedures for Statutory and non-Statutory CMT Officers in the Council's HR Policies and Procedures.

(c) Officers below Head of Service

Councillors will not be involved in the disciplinary action against any officer below Head of Service level 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 officer below Head of Service level 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. Grievances

- (a) Any grievances raised by or against Statutory Officers will be heard by a Hearing Sub Committee. Any appeals will be heard by an Appeals Sub Committee.

- (b) Except in cases where (c) applies, any grievances raised by or against a non-Statutory Strategic Director or Head of Service will be dealt with by the Head of Paid Service.
- (c) Any grievances raised by or against a non-Statutory Strategic Director or Head of Service must be referred by the Head of Paid Service for determination by a Hearing Sub Committee, where reasons of impartiality, or other relevant considerations, make it appropriate to do so.
- (d) Any appeals relating to grievances for Statutory Officers and non-Statutory Strategic Directors or Heads of Service will be referred to an Appeals Sub Committee for determination.
- (e) All Grievances considered by Councillors will be carried out in accordance with the Disciplinary and the Grievance Policy and Procedures for Statutory and non-Statutory CMT Officers in the Council's HR Policies and Procedures.