

Officer Employment Procedure Rules

Rule 1. Recruitment and Appointment

1.1 Declarations

(i) Any candidate for appointment as an officer shall sign a written declaration stating whether they are the relative of an existing Councillor or officer of the Council, or of the partner of such persons.

(ii) "Relative" means a spouse, partner, parent, parent in law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons, and "partner" means a member of a couple who live together.

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

1.2 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) Paragraphs (i) and (ii) above shall not preclude a Councillor from giving a written testimonial of an applicant's ability, experience or character in relation to an application for a post.

Rule 2. Recruitment of Head of Paid Service and Chief Officers

2.1 Job Description and Advertising Where the Council proposes to appoint a Head of Paid Service or a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing officers, the existing Head of Paid Service, in consultation with the Chief Officer Employment Committee of the Council, shall:

(a) draw up a statement specifying the duties of the Chief Officer concerned and 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) above to be sent to any person on request.

2.2 Interviews

(i) Where a post has been advertised as provided in Rule 2.1 above, the Chief Officer Employment Committee shall:

(a) interview all qualified applicants for the post; or

(b) select a shortlist of such qualified applicants and interview those included on the shortlist.

(ii) Where no qualified person has applied, the Head of Paid Service, in consultation with the Chief Officer Employment Committee, shall make further arrangements for advertisement in accordance with Rule 2.1(b).

Rule 3. Appointment of Head of Paid Service

3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Chief Officer Employment Committee to the Council.

Rule 4. Appointment of Chief Officers

4.1 The Chief Officer Employment Committee will appoint chief officers and statutory officers. That Committee must include the Leader of the Council or his/her nominee.

Rule 5. Employment of Officers below Chief Officer

5.1 Appointment of officers below 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.

Rule 6. Disciplinary Action and Dismissal – Statutory Officers

6.1 The Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) may not be dismissed or have disciplinary action taken against them unless the following points have been complied with.

6.2 Any disciplinary action required will be initially considered by an **Investigatory and Disciplinary Sub committee** (IDC) as set out under **Local Authorities (Standing Orders) (England) Regulations 2001 as amended**.

6.3 If the recommendation is dismissal, the authority must appoint an **Independent Persons Panel** which includes the independent persons who have been appointed by the authority

6.3 The **Independent Persons Panel** will meet at least 20 working days before consideration at a meeting of full Council. A report will be provided to that meeting with a recommendation from the IDC.

6.4 If the recommendation is action short of dismissal, the Statutory Officer has a right of appeal to an **Appeals Committee** consisting of members of **Chief Officer Employment Committee**.

6.4 Before the taking of a vote at the Council meeting on whether or not to approve such disciplinary or dismissal action, Members must take in to account, in particular:

- a) Any advice, views and recommendations of **an Independent Persons Panel if the recommendation is dismissal**;
- b) The conclusions of any investigation in to the proposed dismissal; and
- c) Any representations from Statutory Officers.

Rule 7. Dismissal – Statutory Officers

7.1 Only full Council will approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer following the recommendation of such a dismissal by the Independent Disciplinary Panel (Rule 6 above).

Rule 8. Disciplinary Action and Dismissal – Other Officers

8.1 Disciplinary action against and dismissal of officers below Chief Officer (Chief Exec) level is the responsibility of the Head of Paid Service or his/her nominee.

8.2 Councillors will not be involved in disciplinary action against or dismissal of officers below Chief Officer level except where such involvement is necessary for any investigation or enquiry into alleged misconduct through the Council's procedures.

8.3 Disciplinary and Dismissal of Chief Officers who are not Statutory Officers will be undertaken through the Chief Officer Employment Committee as set out in Part iv of this Constitution.

Note: Due to the nature of this Committee's work, on occasion it may be necessary for discussions to be recorded in the absence of a Democratic Services Officer. However, no decisions or votes will be taken in the absence of such an officer