



Part 4H Employment Procedure Rules

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PART 4 - OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment - openness and transparency

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 Council's Chief Officer with responsibility for employment and personnel matters 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 and Chief Officers

2.1 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 their existing Officers, the Council will:

- a) draw up a statement specifying:
 - i. the duties of the post 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 (a) to be sent to any person on request.

3. Appointment of Staff

3.1. The Head of Paid Service

Where a Committee or Sub-Committee is discharging, on behalf of the authority, the function of the appointment of an Officer designated as the Head of Paid Service, the Council must approve that appointment before an offer of appointment is made to that person.

- 3.2 Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment of an Officer designated as the Head of Paid Service, at least one member of the Cabinet must be a member of that Committee or Sub-Committee.
- 3.3 **Chief and Deputy Chief Officers**
For the purpose of this Rule, a Chief Officer and a Deputy Chief Officer are defined as
- a) a statutory Chief Officer within the meaning of section 2(6) of the Local Government and Housing 1989 Act (hereafter “the 1989 Act”);
 - b) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;
 - c) a Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act.
- 3.4 Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment of a Chief or Deputy Chief Officer, at least one member of the Cabinet must be a member of that Committee or Sub-Committee (hereafter ‘the appointor’).
- 3.5 The authority may delegate the function of the appointment of a Deputy Chief Officer to the Head of Paid Service who may sub-delegate the function to another Officer (hereafter ‘the appointor’).
- 3.6 An offer of an appointment as a Chief or Deputy Chief Officer must not be made by the appointor until-
- a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment; and
 - b) the Proper Officer has notified every member of the Cabinet of
 - i. the name of the person to whom the appointor wishes to make the offer;
 - ii. any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - iii. the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
 - c) either
 - i. the Leader of the Council has, within the period specified under Sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;
 - ii. the Proper Officer has notified the appointor that no objection was received by him within that period from the Leader; or
 - iii. the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

3.7 Other Staff

Subject to the preceding paragraphs, the function of the appointment of a member of staff of the authority must be discharged, on behalf of the authority, by the Head of Paid Service or by an Officer nominated by the Head of Paid Service.

3.8 Notwithstanding, nothing shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider an appeal by another person against any decision relating to the appointment of that other person as a member of staff of the authority.

4. Discipline and Dismissal of Staff

4.1 The Head of Paid Service, Chief Finance Officer and Monitoring Officer

The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may only be dismissed by the Council in accordance with the procedure set out in this part.

4.2 The authority may appoint a Committee or a Sub-Committee to recommend to the Council any action in respect of the discipline and dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

4.3 The authority must appoint an Independent Panel as a Committee under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. The Panel shall comprise at least two relevant Independent Persons who have been appointed by the authority under s28(7) of the Localism Act 2011 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.

4.4 The Council must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order —

- a) a relevant independent person who has been appointed by the Council and who is registered as a local government elector in the authority's register of electors;
- b) any other relevant independent person who has been appointed by the Council;
- c) a relevant independent person who has been appointed by another authority or authorities.

4.5 The Council must appoint the Panel at least 20 working days before the relevant meeting.

4.6 Before the taking of a vote at the relevant meeting of the Council on whether or not to approve such the dismissal of Head of Paid Service, the Chief Finance

Officer or the Monitoring Officer, the Council must take into account -

- a) any advice, views or recommendations of the Panel;
- b) the conclusions of any investigation into the proposed dismissal;
- c) any representations from the relevant Officer; and
- d) any other matter the Council considers necessary and Proper to consider.

- 4.7 Disciplinary action against the Head of Paid Service, Chief Finance Officer and Monitoring Officer short of dismissal may be taken either by
- a) the Council on receipt of any advice, views or recommendations of an Independent Panel established under dismissal procedures and having taken account of the conclusions of any investigation into the proposed dismissal and any representations from the relevant Officer; or
 - b) the relevant Committee or Sub-Committee.

4.8 **Chief and Deputy Chief Officers**

For the purpose of this Rule, a Chief Officer and a Deputy Chief Officer are defined as

- a) a statutory Chief Officer within the meaning of section 2(6) of the Local Government and Housing 1989 Act (hereafter “the 1989 Act”); or
- b) a non-statutory Chief Officer within the meaning of section 2(7) of the Act; or
- c) a Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act, but does not include any Officer who is included under Rule 4.1 above.

- 4.9 Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the dismissal of any of a Chief or Deputy Chief Officer, at least one member of the Cabinet must be a member of that Committee or Sub-Committee (hereafter ‘the dismissor’).

- 4.10 The authority may delegate the function of the dismissal of a Deputy Chief Officer to the Head of Paid Service who may sub-delegate the function to another Officer (hereafter ‘the dismissor’).

- 4.11 Notice of the dismissal of a Chief or Deputy Chief Officer must not be given by the dismissor until-
- a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - b) the Proper Officer has notified every member of the Cabinet of the authority of-
 - i. the name of the person who the dismissor wishes to dismiss;
 - ii. any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - iii. 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 Proper Officer; and

c) either -

- i. the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
- ii. the Proper Officer has notified the dismissor that no objection was received by him within that period from the Leader; or
- iii. the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4.12 Other staff

Subject to paragraphs 4.1 to 4.11, the function of the dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Head of Paid Service or by an Officer nominated by the Head of Paid Service.

4.13 Notwithstanding, nothing shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider an appeal by a member of staff of the authority against any decision relating to the dismissal of or taking disciplinary action against, that member of staff.