

Part 4

Section 8

Officer Employment Procedure Rules

1. **Recruitment, appointment and dismissal**

- 1.1 Decisions to appoint, dismiss or take disciplinary action against officers can only be taken on behalf of the Council by the Chief Executive or an officer nominated by the Chief Executive.
- 1.2 This Procedure Rule does not apply to the officers to whom Procedure Rule 2 applies.

2. **Senior Officers: appointment**

2.1 This Procedure Rule applies to the following posts:

- the Chief Executive
- the Head of Paid Service
- the Chief Operating Officer
- the Monitoring Officer
- the Section 151 Officer
- Heads of Service
- Employees who are chief officers or deputy chief officers as defined by section 2 of the Local Government and Housing Act 1989.

2.2 When anyone is to be appointed to any of these posts, the decision maker must not offer the appointment until they have told the Head of Resource Management:

- the name of the person they want to appoint;
- the name of the post to which they want to appoint that person;
- details of the main terms and conditions of the appointment; and
- any other information which they consider appropriate.

2.3 On receiving the information needed under 2.2 the Head of Resource Management shall give every member of the Executive a written notice containing the details mentioned in 2.2 and setting out a period within which the Leader may object to the appointment on behalf of the Executive.

That period will differ depending on the level of appointment and will normally be:

- 72 hours in the case of the Chief Executive or the Chief Operating Officer;
- 48 hours in the case of a manager possessing core delegated powers;
- 12 hours in the case of other posts to which this Procedure Rule applies.

2.4 Except in the case of the Head of Paid Service, the offer of appointment can then be given when one or more of the following has occurred:

- the Leader informs the decision maker that no member of the Executive has any objection to the offer being made;
- the Head of Resource Management informs the decision maker that no objection has been received by the end of the period mentioned in the notice given to the members of the Executive;
- the decision maker decides that they are satisfied that any objection from the Leader is not material or not well-founded.

3. **Senior officers: dismissal**

3.1 Subject to Procedure Rule 4, when anyone is to be dismissed from any of the posts to which Procedure Rule 2 applies, the decision maker must not give notice of dismissal until they have informed the Head of Resource Management:

- the name of the person they want to dismiss;
- brief details of the reasons for the dismissal; and
- any other information which they consider appropriate.

3.2. On receipt of the information contained in Procedure Rule 3.1, the Head of Resource Management shall give every member of the Executive a written notice containing the details mentioned in 3.1 and setting out a period (which will normally be 48 hours) within which the Leader may object to the dismissal on behalf of the Executive.

3.3. Except in the case of the posts designated Head of Paid Service, Monitoring Officer and Chief Finance Officer, the notice of dismissal can then be made when one or more of the following has occurred:

- the Leader informs the decision maker that no member of the Executive has any objection to the dismissal;

- the Head of Resource Management informs the decision maker that no objection has been received by the end of the period mentioned in the notice given to the members of the Executive;
- the decision maker decides that they are satisfied that any objection from the Leader is not material or not well-founded.

4. **Dismissal Advisory Panel**

- 4.1. Where a Committee, Sub-committee or officer is discharging on behalf of the Council the function of the dismissal of an officer designated as the Council's: Head of Paid Service, Monitoring Officer, Chief Finance Officer (S151 Officer), the procedure set out in this Procedure Rule shall be complied with.
- 4.2. The Council shall appoint a Committee under Section 102(4) of the Local Government Act 1972 known as the Dismissal Advisory Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, or the Chief Finance Officer (Section 151 Officer) or the Monitoring Officer. Such officer(s) can only be dismissed by full Council. The Council must invite an Independent Person, being a person appointed under Section 28(7) of the Localism Act 2011, to be considered for appointment to the Panel, in addition to Councillors appointed to the panel, with a view to appointing at least two Independent Persons to the Panel. Where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council consider appropriate may be so invited. The Council is not required to appoint more than two such persons, but may do so. Subject to this, the Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with the above in the following priority order:
- (i) an Independent Person who has been appointed by the Council and who is a local government elector in the register of electors for the Borough;
 - (ii) such other Independent Person who has been appointed by the Council;
 - (iii) such other Independent Person who has been appointed by another authority or authorities.
- 4.3. Any remuneration, allowances or fees paid by the Council 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 an Independent Person under the Localism Act 2011.
- 4.4. Such officer(s) may not be dismissed by the Council unless the Panel is duly appointed and a meeting of the Panel held at least 20 working days before full

Council holds its meeting to take a vote on whether or not to approve the relevant dismissal. Before the taking of such a vote, full Council must take into account, in particular:-

- (i) any advice, views or recommendations of the Panel (and the opinions of the Independent Persons must be recorded in any report to Full Council);
- (ii) the conclusions of any investigation into the proposed dismissal;
- (iii) any representations from the relevant officer ; and
- (iv) any professional legal advice.

5. Head of Paid Service: special procedure rules for appointment

5.1 In the case of the Head of Paid Service, the offer of employment can only be given once one of the events listed in 2.4 has occurred AND the offer notice has been approved by full Council.

6. Councillor appointment panels

6.1 Procedure Rule 6 applies whenever the Council is to recruit to any of the posts described in Procedure Rule 6.2.

6.2 The list of posts is:

- Chief Executive
- Head of Paid Service
- Chief Operating Officer
- Monitoring Officer
- Section 151 Officer
- subject to Procedure Rule 1, all managers with Core Delegated Powers

6.3 Whenever a post is to be filled the Council shall appoint a recruitment panel to make the appointment.

6.3.1 The Employment Advisory Panel will normally comprise no more than 5 Councillors and will normally include:

- at least one member of the Executive (usually the most relevant Portfolio Holder);

- a representative of each political group (if there are two or more political groups which each have fewer than four members then these groups may have to take turns);
- the Leader or the Deputy Leader, or if the job is one which is likely to involve close working with a committee, then the Chair of that committee, or their nominee.

(To avoid doubt, there is nothing which prevents a person being an appointee under more than one of the above headings). Membership of the Panel will be overseen by the Chief Executive, or Monitoring Officer if the Chief Executive is conflicted or unavailable, in conjunction with the Leader, or Deputy Leader if necessary to avoid delay in establishing a suitable panel.

6.3.2 The Employment Advisory Panel shall be politically balanced (unless any political group waives proportionality for their group) and comply with Procedure Rules about committees. It is desirable to achieve gender balance.

6.3.3 The Employment Advisory Panel will advise the Council on substantive employment matters, including the appointment and dismissal of the staff referred to in 6.2, but shall act in accordance with Procedure Rule 2 (and Procedure Rule 5 when appointing the Chief Executive).

6.3.4 The Employment Advisory Panel will be advised by:

- the Chief Executive, where a Chief Operating Officer is to be appointed;
- the Chief Executive or Chief Operating Officer, where another manager is to be appointed;
- a senior HR professional appointed by the Head of Resource Management;
- at the discretion of the Panel, not more than one other person who is not a Councillor or an officer, to provide specialist advice not otherwise available within the Council.

6.3.5 If an adviser is unavailable, he/she may nominate a substitute with the approval of the Leader.

6.3.6 The Head of Resource Management is responsible for each appointment and shall ensure that:

- a job description and person specification setting out the duties of the post and any qualifications or qualities to be sought in the person to be

appointed is drawn up and that a copy is sent to any person who asks for one;

- these documents are provided to each member of the panel;
- unless it is intended to make an appointment from among the Council's current staff, the post is advertised publicly in such a way as would be likely to bring it to the attention of persons who are qualified to apply for it;
- the short-listing of candidates is carried out satisfactorily and arrangements made to interview each of the short listed applicants; and
- where no appointment is made, further arrangements are made.

7. **Appointment procedures: general**

7.1 No decisions in any appointment procedures may be exercised by anyone who is not an officer or a Councillor.

7.2 Every appointment to paid office or employment with the Council shall be on merit, subject to relevant employment/discrimination legislation.

7.3 All vacancies shall be advertised publicly except in the following cases:

- where an identical post becomes vacant and within the previous six weeks (from the date of the vacancy) a recruitment process has taken place from which there is another candidate(s) who met all the essential criteria for the post;
- where there are suitable candidates who have been recruited from a Public Advertisement to a Post of Casual Workers;
- redeployment arising from redundancy;
- supernumerary officers being appointed to established posts;
- promotion as part of a planned career step in accordance with the officer's conditions of service; and
- temporary suspension of the procedure for advertising publicly by the Head of Resource Management acting in accordance with a power delegated to him.
- Standing Order 7.3 may also be waived in respect of any nominee appointment of any serving officer or any other private individual as a

director of any company wholly owned by the Council. Such appointments will normally be unpaid, unless the company itself resolves otherwise.

- 7.4. Every post to be publicly advertised must have a job description and a person specification, and these shall either be set out in the advertisement or distributed with application forms.
- 7.5. Candidates for an appointment who canvass (or who have canvassed) a Councillor or officer involved in the appointments procedure shall be disqualified, and if they have been appointed they may be dismissed. The Council's application form shall explain the effect of this Procedure Rule.
- 7.6. Applicants for employment must disclose on the Council's job application form, details of any family or business relationship with Councillors, officers, or others who may be involved in the appointment procedure.
- 7.7. The Head of Resource Management shall:
 - take charge of the monitoring survey forms;
 - update central employment records.
- 7.8. Where an appointment is to be made by an officer, that officer is responsible for ensuring that:
 - a job description and person specification are prepared;
 - the vacancy is advertised;
 - short listing is properly carried out; and
 - other related arrangements are made in accordance with procedures about contracts of employment, medical examinations, CRB checks etc as decided from time to time by the Head of Resource Management.

8. **Discipline**

- 8.1. Disciplinary matters shall be dealt with under the appropriate disciplinary policy and procedure. (This has been adopted by the Council in consultation with relevant trades unions.) A copy of the policy must be made available to all officers on the commencement of their employment.
- 8.2. Where action taken under the disciplinary procedures is likely to lead to dismissal, the decision maker shall obtain the advice of the Chief Executive or Chief Operating Officer as appropriate, the Operations Manager for Legal Services and Head of Resource Management.

8.3 Where a disciplinary case involves misappropriation of funds and/or property belonging to the Council, the following people shall be informed:

- the Monitoring Officer;
- the Section 151 Officer;
- the Chief Internal Auditor;
- the Chief Executive or Chief Operating Officer as appropriate;
- the Head of Resource Management.

9. **Grievances**

9.1 Grievances of officers shall be dealt with in accordance with the Council's grievance procedure.