

Part 4 Rules of Procedure

4.10 Officer Employment Rules of Procedure

1. Introduction

The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers. They have been produced to comply with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

This section should be read in conjunction with Article 12 Officers and the Officer Delegation Scheme (Part 3.7).

2. General

The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Head of Service and excluding political or mayoral assistants, must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

The Head of Paid Service has nominated all Heads of Service to exercise these functions. (See Part 3.7 - Officer Delegation Scheme for further information)

3. Recruitment and appointment

The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partners, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.

No candidate so related to a Member or an officer will be appointed without the authority of the relevant Head of Service or an officer nominated by them.

The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

No Member will seek support for any person for any appointment with the Authority.

Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

4. Recruitment

Where the Cabinet determines to appoint the Chief Executive, Deputy Chief Executive, Director of Public Health or Heads of Service the Cabinet will:

- a) 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; and
- b) refer the matter to the Appointments and Disciplinary Committee.

Where such a referral to appoint the Chief Executive, Deputy Chief Executive, Director of Public Health or Heads of Service is received by the Appointments and Disciplinary Committee and it is not proposed that the appointment be made exclusively from among existing officers, the Appointments and Disciplinary Committee will:

- a) 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
- b) make arrangements for a copy of the written statement mentioned above to be sent to any person on request.

5. Appointments

The Appointments and Disciplinary Committee is responsible for the appointment of the Chief Executive, Deputy Chief Executive, Director of Public Health and the Heads of Service. The Appointments and Disciplinary Committee must include at least one member of the Cabinet.

The full Council must approve the appointment of an Officer designated as Head of Paid Service.

Where a candidate for the role of Chief Executive as Head of Paid Service*, Deputy Chief Executive, Director of Public Health or Head of Service has been selected for appointment, an offer of employment must not be made until:

- a) the Elected Mayor and each member of the Cabinet has been notified of the name of the person to whom the Committee wishes the offer of appointment to be made, together with any other particulars relevant to the appointment; and
- b) the Elected Mayor and all members of Cabinet have been advised of a deadline of two working days following such notification, by which time the Mayor (on behalf of him/her self and the Cabinet) must submit any objections to the appointment; and
- c) the Elected Mayor has either:
 - i) not objected to the appointment; or;

- ii) objected to the appointment but the Committee has determined that the objection is not material or is not well founded. This would require the Committee to reconvene to make such a determination.

The appointment of Officers below the level of Head of Service (other than assistants to political groups and an assistant to the Elected Mayor) is the responsibility of Heads of Service and may not be made by Members.

*NB the appointment of the Head of Paid Service is reserved to Council only based on a recommendation of the Appointments and Disciplinary Committee on the completion of the selection procedure discussed in paragraphs a), b) and c) above.

6. Political and Mayoral Assistants

The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

The Authority may not appoint any post allocated to a political group until it has allocated a post to each group which qualifies for one. The Authority shall not appoint more than 3 assistants to political groups in total in each case for a period of up to 4 years.

No post will be allocated to any political group which does not qualify for one and no more than one post will be allocated to any particular group. (Section 9(5) of the Local Government and Housing Act 1989).

The Elected Mayor may appoint not more than one Mayoral Assistant in accordance with Regulation 3 of the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002.

7. Disciplinary Action

Members will not be involved in the disciplinary action against any Officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

The Head of Head of Paid Service, the Monitoring Officer or Chief Finance Officer (Section 151 Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

No other disciplinary action (excluding dismissal – see below) may only be taken in respect of any of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer these Officers except in accordance with a decision of the Appointments and Disciplinary Committee following the receipt and consideration of recommendation in a report made by an independent Investigator person

designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

~~Members will not be involved in the disciplinary action against any Officer below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.~~

8. Dismissal

Members will not be involved in the dismissal of any Officer below Head of Service ~~deputy chief officer~~ level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

A decision to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may only be taken by a meeting of the Full Council. Before making a decision to approve a recommendation of the Appointments and Disciplinary Committee to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the Full Council must take into account in particular:-

- a) any advice, views or recommendations of the Dismissal Advisory Committee;
- b) the conclusions of the Independent Investigation into the allegations against the officer concerned; and
- c) the representations from the officer who is the subject of the proposed dismissal.