

# Chapter 10 – Officer Employment Procedure Rules

## Procedure Rules

### 1. Responsibility for the Discharge of Employment Functions

- 1.1 The final decision on the appointment or dismissal of the Head of Paid Service / Chief Executive or on the appointment of any Statutory Chief Officers/Directors, or the dismissal of the Monitoring Officer, and Chief Financial Officer (as defined in the Local Government and Housing Act 1989) shall be by resolution of Council on the recommendation of the General Services Committee.
- 1.2 The appointment and dismissal of, and taking disciplinary action against, any Chief Officer/Director shall, except where required to be by resolution of Council under Rule 1.1 above, be conducted by the General Services Committee.
- 1.3 The General Services Committee may arrange for the discharge of any of its functions under Rule 1.2 above by a Sub-Committee or (with the exception of making a recommendation to Council as set out in Rule 1.1 above or the final decision on the appointment or dismissal of a Chief Officer/Director) an Officer.
- 1.4 Any Committee or Sub-Committee discharging functions under Rules 1.1 to 1.3 above must include at least one Member of the Cabinet.
- 1.5 The function of appointment and dismissal of, and taking disciplinary action against, any Officer of the Authority other than those listed at Rule 1.6 below shall be discharged, on behalf of the Authority, by the Chief Executive or by an Officer nominated by him/her.
- 1.6 Rule 1.5 above shall not apply to the appointment or dismissal of, or disciplinary action against:
  - (a) the Head of the Paid Service / Chief Executive
  - (b) a Statutory Chief Officer/Director
  - (c) a non-statutory Chief Officer/Director
  - (d) a political assistant

### 2. Conflicts of Interest – General

- 2.1 Conflicts of Interest
- 2.2 No Officer shall take part in the appointment and dismissal of, and taking disciplinary action against, any Officer, including making any recommendation in respect of such action, where the Officer or a candidate for such appointment is a spouse, partner, close family relative or friend of the Officer concerned.

- 2.3 Where an Officer identifies that he would be in breach of Rule 2.1, above, he/she shall immediately notify his/her line manager (i.e. the Officer to whom he/she is responsible within the Authority's Management Structure) and the Director of Human Resources of such conflict, and the line manager shall arrange for another Officer to take over the Officer's responsibility in this matter. Where the Officer is the Chief Executive, he/she shall inform the Mayor and the Leader of such conflict and of the arrangements which he/she has made to avoid such conflict.
- 2.4 Declarations
- 2.5 The Authority will require any candidate for appointment as an Officer to state in writing whether he/she is the spouse, partner or close family relative of a serving Member or Officer or the spouse or partner of such a person. This statement will be included in appropriate recruitment literature.
- 2.6 Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Assistant Director (unless the Assistant Director is the Officer with whom the candidate has declared a relationship) or the appropriate Director or the Chief Executive.
- 2.7 Seeking support for appointment
- 2.8 The Authority will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or Officer (other than in the proper course of interview and selection) for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- 2.9 No Member or Officer will seek to support any candidate for appointment to the staff of the Authority. Councillors shall not stand as referees for candidates for appointment as Officers.
- 2.10 Employment Rules 2.5 and 2.6 above do not prevent an Officer acting in a professional capacity as a referee for candidates for appointment as Officers of the Authority.

### **3. Recruitment of Head of Paid Service and Chief Officer/Directors**

- 3.1 Where the Authority proposes to appoint a Head of Paid Service or a Chief Officer/Director and it is not proposed that the appointment be made exclusively from among its existing Officers, the Authority will:
- (a) draw up a statement specifying:
    - (i) the duties of the Officer concerned
    - (ii) any qualifications or qualities to be sought in the person to be appointed, and
  - (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 (a) above to be sent to any person upon request

#### **4. Notification Procedure for Appointment/Dismissal of Head of Paid Service and Chief Officer/Directors**

- 4.1 In this Rule, "decision-maker" means, in relation to appointments or dismissals, the Council or, where the General Services Committee, a Joint Appointments Committee, a Sub-Committee or Officer is discharging the function of appointment or dismissal on behalf of the Council, that Committee, Sub-Committee or Officer as the case may be.
- 4.2 An offer of an appointment as Head of Paid Service / Chief Executive or a Chief Officer/Director, or a decision to dismiss such Officer, must not be made by the decision-taker until:

- (a) the decision-maker has notified the Chief Executive of the name of the person in respect of whom the proposed action is to be taken together with any relevant particulars which the decision-maker considers relevant. Where the final decision rests with the Council, the decision of the General Services Committee or of a Sub-Committee to recommend such action to the Council shall be deemed to be a decision that the Authority wishes to take the proposed action, and the General Purpose Committee or Sub-Committee shall be treated as the decision-taker for the purpose of notifying the Chief Executive thereof
- (b) The Chief Executive has notified each Member of the Cabinet of:
  - (i) the name of the person in respect of whom the action is proposed
  - (ii) any other particulars relevant to the action notified to the Chief Executive by the decision-maker, and
  - (iii) the period within which any objection to the making of the decision is to be made by any Member of the Cabinet

The notification shall be by e-mail or in writing to all Cabinet Members and the period of objection will be two working days or such longer period as the decision-taker shall determine. If the period of objection is to be shortened, notification will be by telephone and e-mail, and

- (c) either:
  - (i) the Leader notifies the decision-maker that neither he/she nor any other Cabinet Member has an objection to the action proposed
  - (ii) the Chief Executive has notified the decision-maker that no objection was received by him/her from the Leader within that period
  - (iii) the decision-maker has considered any objection received from the Leader within that period and is satisfied that such objection is not material or is not well-founded

#### **5. Political Assistants**

- 5.1 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

- 5.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one under section 9 of the Local Government and Housing Act 1989.
- 5.3 No political group shall be allocated more than one political assistant.
- 5.4 Disciplinary action and dismissal of an assistant to a political group shall be undertaken by the Chief Executive or an Officer designated for that purpose by the Chief Executive.

## **6. Statutory Officers – Disciplinary Action**

- 6.1 Suspension
- 6.2 The Chief Executive may suspend the Monitoring Officer or the Chief Finance Officer, and the General Services Committee, or a Sub-Committee thereof, may suspend the Chief Executive for the purpose of investigating alleged misconduct. That suspension will be on full pay and shall last no longer than two months unless extended at the direction of the General Services Committee.
- 6.3 Disciplinary Action
- 6.4 No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by the General Services Committee.

## **7. Disciplinary Action – Other Employees**

- 7.1 Members will not be involved in disciplinary action against any Officer other than a Chief Officer/Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although 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. Other Polices**

- 8.1 Except as set out in these Employment Rules, or as required by law or under a contract of employment, all appointments shall be made and disciplinary action shall be taken in accordance with the Authority's personnel and Human Resources practices and procedures which may add to these Rules but not conflict with them.

## **9. Interim Officers**

- 9.1 An "Interim Officer" is a person who is not employed by the Authority, but who, as far as legally possible discharges the functions of an Officer under a consultancy contract between the Authority and the Interim Officer's employer.

Where the Authority proposes to engage an Interim Officer in the position of the Head of the Paid Service / Chief Executive or a Chief Officer/Director, the Authority shall comply with the Authority's Contract Procedure Rules but in such manner as, as far as possible, follows these Employment Procedure Rules in respect of such engagement.