

## Officer Employment Procedure Rules

*Local Government Act 2000 & Local Authorities (Standing Orders)  
(England) Regulations 2001.*

### LEADER AND CABINET CONSTITUTIONS

#### 1. Recruitment and Appointment

##### (a) Declarations

i) 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.

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

##### (b) Seeking support for appointment.

i) 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) No Councillor will seek support for any person for any appointment with the Council.

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

(a) Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, it shall:-

(i) draw up a statement specifying –

(a) the duties of the officer concerned, and

(b) any qualifications or qualities to be sought in the person to be appointed;

(ii) 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

(iii) make arrangements for a copy of the statement to be sent to any person on request.

(b) Where a post has been advertised under paragraph 2(a) the Council shall interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list. Where no qualified person has applied the Council shall make further arrangements in accordance with paragraph 2(a)(ii).

### **3. Appointment and Dismissal of the Head of Paid Service**

- (a) The full Council will approve the appointment and dismissal of the Head of Paid Service following the recommendation of such an appointment or dismissal by a Committee or Sub-Committee of the Council before an offer of appointment is made or notice of dismissal is given. That Committee or Sub-Committee shall include at least one member of the Executive.
- (b) The full Council may only make or approve the appointment or dismissal of the Head of Paid Service where no well-founded objection from any member of the Executive has been received in accordance with the procedure in paragraph 5.

### **4. Appointment and Dismissal of Chief Officers**

- (a) A Committee or Sub-Committee of the Council will appoint Chief Officers. That Committee or Sub-Committee shall include at least one member of the Executive.
- (b) An offer of appointment must only be made or notice of dismissal given where no well founded objection from any member of the Executive has been received in accordance with the procedure in paragraph 5.

### **5. Consultation with the Executive**

An offer of appointment or notice of dismissal must not be given in respect of the post of Head of Paid Service or Chief Officer until: -

- (a) the Committee or Sub-Committee has notified the Assistant Director (Human Resources) the name of the person it wishes to appoint or dismiss and any other particulars which it considers relevant to the appointment or dismissal;
- (b) the Assistant Director (Human Resources) has notified every member of the Executive of:-
  - (i) the name of the person to whom the Committee or Sub-Committee wishes to make an offer of appointment or give notice of dismissal;
  - (ii) any other particulars relevant to the appointment or dismissal which the Committee or Sub-Committee has notified to the Assistant Director (Human Resources);
  - (iii) the period within which any objection to the making of the offer or the dismissal is to be made by the Leader to the Assistant Director (Human Resources) on behalf of the Executive, and
- (c) Either
  - (i) the Leader has within the period specified in paragraph 5(b)(iii) notified the Committee or Sub-Committee that neither he nor any other member of the Executive has any objection;

- (ii) the Assistant Director (Human Resources) has notified the Committee or Sub-Committee that no objection was received within that period from the Leader or;
- (iii) the Committee or Sub-Committee is satisfied that any objection received from the Leader within that period is not is not well founded.

## **6. Other Appointments**

- (a) **Officers below Chief Officer.** Appointment of officers below Chief Officer (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **7. Disciplinary Action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension must be on full pay and last no longer than the expiry of two months beginning on the day on which the suspension takes effect.
- (b) **Independent person.** 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 a designated independent person appointed under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (c) Councillors will not be involved in the disciplinary action against any officer below Chief Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, where 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. Dismissal**

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, where 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 dismissals.