

## Officer Employment Procedure Rules

Local Government Act 2000 & Local Authorities (Standing Orders) (England) Regulations 2015.

### 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

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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 of the Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council before an offer of appointment is made. 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 of the Head of Paid Service where no well-founded objection from any member of the Executive has been received following their notification of the details of the proposed appointment in accordance with the procedure in paragraph 5.

### 4. Appointment 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 where no well-founded objection from any member of the Executive has been received following their notification of the details of the proposed appointment in accordance with the procedure in paragraph 5.

### 5. Consultation with the Executive

- (a) An offer of appointment must not be given in respect of the Head of Paid Service or any other Chief Officer post until: -
- (b) the Committee or Sub-Committee has notified to the Director for Human Resources the name of the person it wishes to appoint and any other particulars which it considers relevant to the appointment;
- (c) the Director for 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;
  - (ii) any other particulars relevant to the appointment which the Committee or Sub-Committee has notified to the Director for Human Resources;
  - (iii) the period within which any objection to the making of the offer is to be made by the Leader to the Director for Human Resources on behalf of the Executive, and

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- (d) Either
- (i) the Leader has within the period specified in paragraph 5(c)(iii) notified the Committee or Sub-Committee that neither he nor any other member of the Executive has any objection;
  - (ii) the Director for 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 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 four months beginning on the day on which the suspension takes effect.
- (b) 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 (Head of Paid Service, the Monitoring Officer and the Chief Finance Officer)

The Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may not be dismissed unless the following procedure is complied with and the Council must approve the dismissal before notice is given to that person:

- The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- An independent person means a person who has been appointed

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under section 28(7) of the Localism Act 2011. The Council has appointed two independent persons who form a panel of independent persons. These persons appointed by the London Borough of Hammersmith and Fulham are therefore “relevant independent persons” for the purposes of this procedure.

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

- (i) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (ii) any other relevant independent person who has been appointed by the Council;
- (iii) a relevant independent person who has been appointed by another authority or authorities.

The Council must appoint any Panel at least 20 working days before the matter is considered at a meeting of the full Council. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council will take into account, in particular-

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

### **7. Consultation with the Executive**

- (a) A notice of dismissal must not be given in respect of the post of Chief Officer until: -
- (b) the Committee or Sub-Committee has notified to the Director for Human Resources the name of the person it wishes dismiss and any other particulars which it considers relevant to the dismissal;
- (c) the Director for 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 give notice of dismissal;
  - (ii) any other particulars relevant to the dismissal which the Committee or Sub-Committee has notified to the Director for Human Resources;
  - (iii) the period within which any objection to the dismissal is to be made by the Leader to the Director for Human Resources on behalf of the Executive, and
- (d) Either
  - (iv) the Leader has within the period specified in paragraph 8(c)(iii)

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notified the Committee or Sub-Committee that neither he nor any other member of the Executive has any objection;

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

### **9. Other Officers**

Any disciplinary action taken in respect of all other officers will be in accordance with the relevant Council's disciplinary, capability and related procedures.

AMENDED JULY 2015