

OFFICER EMPLOYMENT PROCEDURE RULES

Recruitment and Appointment

Declarations

1. 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. No candidate so related to a councillor or an officer will be appointed without the authority of the relevant corporate director or an officer nominated by him/her.

Seeking support for appointment

2. 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. No councillor will seek support for any person for any appointment with the council.

Recruitment of Head of Paid Service and executive heads of service

3. Where the council proposes to appoint a Head of Paid Service or an executive head of service and it is not proposed that the appointment be made exclusively from among their existing officers, officers acting on behalf of the council will 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; 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 make arrangements for a copy of the statement mentioned in paragraph 1 to be sent to any person on request.

Appointment of Head of Paid Service

4. The 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. That committee or sub-committee must include at least one member of the cabinet.

Appointment of executive heads of service and heads of service

5. Appointments of executive heads of service and heads of service will be made by a panel comprising the chief executive or his/her nominee, appropriate corporate directors and up to 5 councillors nominated by the Leader of the Council and the leaders of the other political groups, the political balance of the council to be reflected in the composition of the panels over time. The leaders may decline to make nominations and

failure of those nominated to attend will not prevent a panel from proceeding.

6. That panel must include at least one member of the cabinet.
7. An offer of employment as an executive head of service or head of service shall not be made until –
 - (a) the panel has notified the proper officer of the name of the person to whom they wish to make the offer and any other particulars which they consider are relevant to the appointment;
 - (b) the proper officer has notified every cabinet member of the name of the person and any particulars the panel think are relevant to the appointment and the period within which any objection to the making of the offer can be made by an cabinet member to the proper officer; and
 - (c) either –
 - (i) the cabinet member has, within the period specified under paragraph 7 (b) notified the proper officer that they have no objection to the making of the offer;
 - (ii) the period for objection has elapsed without objection; or
 - (iii) in the event of an objection being received, the panel is satisfied that it is not material or is not well-founded.

Appointment of officers other than head of paid service, executive heads of service and heads of service

Officers below executive head of service or heads of service

8. Appointment of officers below executive head of services or heads of service (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.

Assistants to political groups

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

Disciplinary action

10. Councillors will not be involved in the disciplinary action against any officer below 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.

Dismissal

11. Councillors will not be involved in the dismissal of any officer below Executive head of service 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 councillors in respect of dismissals.

Disciplinary action – Statutory officers

12. No disciplinary action or dismissal in respect of the council's head of paid service, its monitoring officer or its chief finance officer, except action described in paragraph 17 (below) may be taken by the council, or by a committee, a sub-committee, or a joint committee on which the council is represented or any other person acting on behalf of the council, until the procedure, set out in paragraphs 13 to 17 (below), has been complied with.
13. The authority will invite relevant independent persons (meaning persons appointed under section 28(7) of the Localism Act 2011) to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel.
14. The "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
15. The authority must appoint to the panel at least two such relevant independent persons who have accepted an invitation issued in accordance with paragraph 13 and in accordance with the following priority order -
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
16. The authority must appoint any panel at least 20 working days before the relevant meeting. Before the taking of a vote at the relevant meeting on whether or not to approve disciplinary action or such a dismissal, the authority must 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.

17. The action mentioned in paragraph 12 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the date on which the suspension takes effect.

Note: These rules deal with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.