

Part 4 - Officer Employment Procedure Rules

1. Definition of a Chief Officer and Deputy Chief Officer

For the purposes of these Rules:-

(a) a chief officer shall mean:-

a statutory chief officer -

- (i) the director of children's services appointed under Section 18 of the Children Act 2004;
- (ii) the director of adult social services appointed under Section 6(A1) of the Local Authority Social Services Act 1970;
- (iii) the officer having responsibility for the purposes of Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985, Section 112 of the Local Government Finance Act 1988, for the administration of the authority's financial affairs;
- (iv) The Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 as amended by paragraph 24 of Schedule 5 Local Government Act 2000;

a non-statutory chief officer;

- (v) a person for whom the Head of the Paid Service is directly responsible (e.g. Directors);
 - (vi) a person who, as respects all or most of the duties of the post, is required to report directly or is directly accountable to the Head of Paid Service
 - (vii) a person who, as respects all or most of the duties of the post, is required to report directly or is directly accountable to the local authority themselves or any committee of the authority;
- (b) a deputy chief officer means a person who is, as respects all or most of the duties of the post, required to report directly or is directly accountable to one or more of the statutory (Head of Paid Service/ Chief Finance Officer/Monitoring Officer/the

director of children’s services/the director of adult social services) or non-statutory chief officers (Directors).

A person whose duties are solely secretarial or clerical or otherwise in the nature of support services shall not be regarded as any of the persons in (a) or (b) above.

2. **Recruitment and Appointment**

- (a) Unless specified otherwise in these Rules or in the Council Procedure Rules (Standing Orders of the Council), the recruitment and appointment of the Head of Paid Service, chief officers, officers below chief or deputy chief officer and assistants to political groups shall be in accordance with the procedures contained in any scheme of recruitment and selection which has been approved or amended by the Council and is in force at the time.
- (b) Copies of any scheme under (a) shall be made available to any person on request to the Head of Paid Service.
- (c) **Declarations**
 - (i) Any candidate for appointment as an officer will be required 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 the partner of such persons.
 - (ii) No candidate related to a councillor or officer as described above will be appointed without the agreement of the Head of Paid Service.
- (d) **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.

- (ii) No councillor will seek support for any person for any appointment with the Council.

3. Recruitment of Chief Officer or Deputy Chief Officer

Subject to Rule 2(a) above, where the Council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council:-

- (a) will draw up a statement specifying:
 - (i) the duties of the officer concerned: and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) will 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) will make arrangements for a copy of the statement mentioned in paragraph (a) to be available to all applicants for any particular post and to any other person on request.

4. Appointment of Head of Paid Service

Subject to Rule 2(a) above:-

- (a) the Full Council will approve the appointment of the Head of Paid Service following the recommendation of an appointment by a committee of the Council established for that purpose. The committee must include at least one member of the Executive.

- (b) the Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Executive.

5. Appointment of Chief Officers, Interim Chief Officers and Deputy Chief Officers (Graded SM2)

Subject to Rule 2(a) above:-

- (a) a committee of the Council will appoint chief officers. The committee must include at least one member of the Executive. A sub-committee will appoint Deputy Chief graded SM2 or above. At least one member of the sub-committee must be a member of the Executive
- (b) the appointment of chief officers to organisations for whom the Council is the responsible authority, who would otherwise fall within the definition in (a) above, shall be appointed by a person or persons nominated by the Council for that purpose.
- (c) the temporary filling of a vacancy for a post of chief officer or Deputy Chief Officer (SM2) for a period of no more than twelve months, shall be made by the Head of Paid Service from amongst the Council's employees, and shall be in accordance with the Council's Acting Up arrangements. Any appointment would be subject of a satisfactory performance review at month six of the appointment. The appropriate Cabinet Member shall be informed of the process and invited to be a Member of any interview panel.
- (d) in the event of no suitable internal candidates for an interim appointment being identified, the Head of Paid Service may authorise that an external appointment shall be made for a period of no more than twelve months, subject to a satisfactory performance review at month six of the appointment.
- (e) an appointment under (d) above shall be made by the Head of Paid Service and the appropriate Cabinet Member shall be

informed of the process and invited to be a Member of an interview panel.

- (f) an offer of employment as a chief officer, interim chief officer or deputy chief officer shall only be made where no well founded objection has been made by any member of the Executive under the recruitment and selection process.
- (g) in the event of a reasoned objection being received, the matter shall be referred to a specially convened meeting of a committee established in accordance with paragraph (a) above, whose decision shall be final.

6. **Other Appointments**

(a) The appointment of officers below Deputy chief officer (graded SM1 or below) is the responsibility of the Head of Paid Service.

(b) **Assistants to Political Groups**

Subject to Rule 2(a) above, the appointment of an assistant to a political group shall be made by a committee of the Council and shall comply with the requirements of the Local Government and Housing Act 1989.

7. **Disciplinary Action**

1. **Disciplinary action in respect of the Head of Paid Service, Monitoring Officer or Chief Finance (s.151) Officer**

- (a) **Suspension** - The Head of Paid Service, Monitoring Officer or Chief Finance Officer and other Chief Officer(s) 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 without a review of such suspension first taking place by a Committee of the Council, which must include at least one member of the Executive.

- (b) **Potential for dismissal** - Disciplinary action or situations in which there is the potential to dismiss either the Head of Paid Service, Monitoring Officer or Chief Finance Officer on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal (in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015)).
- (c) Procedure - Paragraphs 13 and 13A and Model Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives (13th October 2016) give effect to these provisions and will be used in circumstances where disciplinary action against the Head of Paid Service, Monitoring Officer or s151 Officer is contemplated.
- (d) The Full Council can approve the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer following a recommendation of dismissal made by a committee appointed pursuant to the Local Authorities (Standing Orders) (England (Amendment) Regulations 2015. The committee must include at least one member of the Executive.
- (e) The Council may only approve the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer where the process set out in the Local Authorities (Standing Orders (England Amendment) Regulations 2015 has been followed and no well-founded objection has been made by any member of the Executive under the process detailed within the Council's disciplinary, capability and related procedures, copies of relevant procedures shall be made available to any person on request to the Head of Paid Service.

(f) Independent Person to be on a committee

No disciplinary action may be taken in respect of the Head of Paid Service, S151 Officer or Monitoring Officer except in accordance with a recommendation in a report made by an independent panel appointed pursuant to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 containing at least two independent persons appointed under section 28(7) of the Localism Act 2011.

2. Disciplinary Action in relation to other Chief Officers and Deputy Chief Officers (SM2 and above)

(a) Suspension: The holders of all other chief officer posts (including interim) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay.

The decision to suspend shall be made by the Head of Paid Service. The Leader and or Deputy Leader will be informed.

(b) Potential for Dismissal of other Chief Officers:

A committee of the Council can dismiss chief officers. The committee must include at least one member of the Executive. A sub-Committee of the Council can dismiss Deputy Chief Officers (SM2 graded or above). At least one member of the sub-committee must be a member of the Executive.

Dismissal of a chief officer or deputy chief officer shall only take effect where no well-founded objection has been made by any member of the Executive under the process detailed within the Council's disciplinary, capability and related procedures.

The dismissal of chief officers of organisations for whom the Council is the responsible authority and who would otherwise fall within the definition of a chief officer, shall be undertaken by a person or persons nominated by the Council for that purpose.

(c) Procedure: Any action to dismiss a chief officer shall be taken in accordance with the procedures contained in any disciplinary, capability or related procedures which have been approved or amended by the Council and are in force at the time. Copies of relevant procedures shall be made available to any person on request to the Head of Paid Service.

(3) Disciplinary Action in relation to Officers below Deputy Chief Officer (graded SM2)

(a) Suspension

Councillors will not be involved in the disciplinary action against any officer below deputy chief officer (graded SM2) level except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

(b) Potential dismissal of officers below deputy chief officer (graded SM2) is the responsibility of the Head of Paid Service or their nominee.

(c) Procedure

Unless specified otherwise in these Rules or in the Council Procedure Rules (Standing Orders of the Council), any action to dismiss officers below chief officers shall be taken in accordance with the procedures contained in any disciplinary, capability or related procedures which have been approved or amended by the Council and are in force at the time. Copies of relevant procedures shall be made available to any person on request to the Head of Paid Service.

(4) Dismissal of Assistants to Political Groups

Dismissal of Assistants to Political Groups shall be made by a Committee of the Council.