

## 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;

a non-statutory chief officer;

- (iv) a person for whom the Head of the Paid Service is directly responsible (e.g. Executive Directors);
  - (v) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the Head of the Paid Service (e.g. Executive Directors);
  - (vi) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority;
- (b) a deputy chief officer means a person who is, as respects all or most of the duties of his/her post, is 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 (Executive Director).

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, or deputy 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 the Paid Service or his/her nominee.
- (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 Assistant Chief Executive or an officer nominated by him/her.
- (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 the Paid Service following the recommendation of an appointment by a committee or sub-committee of the Council established for that purpose. The committee or sub-committee must include at least one member of the Executive.
- (b) the Council may only approve the appointment of the Head of the Paid Service where no well-founded objection has been made by any member of the Executive.

## 5. **Appointment of Chief Officers, Deputy Chief Officers and Interim Chief/Deputy Officers**

Subject to Rule 2(a) above:-

- (a) a committee or sub-committee of the Council will appoint chief officers. The committee or sub-committee must include at least one 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 for a period of no more than six months, shall be made by the Head of the Paid Service from amongst the Council's employees, and shall be in accordance with the Council's Acting Up arrangements. 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 the Paid Service may authorise that an external appointment shall be made for a period of no more than six months.
- (e) an appointment under (d) above shall be made by the Head of the 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, deputy chief officer or interim chief/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) Senior Service Managers and Service Managers

- (i) Subject to Rule 2(a) above, the appointment of a Senior Service Manager (Level 2) shall be made by a sub-committee of the Council established for that purpose;
- (ii) Subject to Rule 2(a) above, the appointment of a Service Manager (Level 1) is the responsibility of the Head of the Paid Service and the appropriate Cabinet Member shall be informed of the process and invited to be an observer to the interview Panel.

### (b) Officers below Service Managers

Subject to Rule 2(a) above, the appointment of officers below chief/deputy chief officer (other than assistants to political groups and posts recognised as Service Manager) is the responsibility of the Head of the Paid Service or his/her nominee and may not be made by councillors.

### (c) 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 or sub-committee of the Council.

## 7. Disciplinary Action

- (a) Unless specified otherwise in these Rules or in the Council Procedure Rules (Standing Orders of the Council), any disciplinary action in respect of the Head of Paid Service, a chief officer, deputy chief officer, officer below chief/deputy chief officer and assistants to political groups shall be 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.
- (b) Copies of any such procedures under (a) shall be made available to any person on request to the Head of the Paid Service or his nominee.

(c) **Suspension of Head of the Paid Service, Monitoring Officer and Chief Finance Officer**

The Head of the Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

The decision to suspend shall be made by the Executive.

(d) **Suspension of other Chief Officers or Deputy Chief Officers**

The holders of all other chief officer or deputy 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 the Paid Service in consultation with the Leader and/or Deputy Leader.

(e) **Suspension/Discipline of Officer below Chief Officer or Deputy Chief Officer**

Councillors will not be involved in the disciplinary action against any officer below chief officer or deputy chief officer level 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.

(f) **Independent Person to be on a committee**

No disciplinary action may be taken in respect of any of those officers in (c) and (d) above except in accordance with a recommendation in a report made by a committee or sub-committee 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.

8. **Disciplinary or Performance related Dismissal**

- (a) Unless specified otherwise in these Rules or in the Council Procedure Rules (Standing Orders of the Council), any action to dismiss the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer, other chief officers or deputy chief officer, officers below chief officers and Assistants to Political Groups 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.
- (b) Copies of any such procedures under (a) shall be made available to any person on request to the Head of the Paid Service or his nominee.
- (c) **Dismissal of Head of Paid Service, Chief Finance Officer or Monitoring Officer**

The Full Council will approve the disciplinary dismissal of the Head of the Paid Service, the Chief Finance Officer or the Monitoring Officer following a recommendation of dismissal made by a committee or sub-committee appointed pursuant to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The committee or sub-committee must include at least one member of the Executive.

The Council may only approve the disciplinary dismissal of the Head of the 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.

(d) **Dismissal of other Chief Officers or Deputy Chief Officers**

A committee or sub-committee of the Council will dismiss chief officers or deputy chief officers for disciplinary reasons. The committee or sub-committee must include at least one member of the Executive.

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

(e) **Dismissal of Assistants to Political Groups**

Disciplinary dismissal of an assistant to a political group shall be made by a committee or sub-committee of the Council.

(f) **Dismissal of Officers below Chief Officer**

Dismissal of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of the Paid Service or his/her nominee and may not be made by councillors 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 dismissals.