

PART 4 C OFFICER EMPLOYMENT PROCEDURE RULES

1. Introduction

- 1.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and will form the standing orders prescribed therein regarding employment matters.

2. Interpretation

- 2.1 For the purposes of these Officer Employment Procedure Rules the following words shall have the following meanings-

“Head of Paid Service” means the Chief Executive of the Council

“Chief Officer” means:

- Corporate Director - Families, Children & Learning (statutory Director of Childrens Services)
- Corporate Director – City Services
- Corporate Director – Housing, Care & Wellbeing (statutory Director of Adult Social Services)-
- Chief Finance Officer (Section 151 Officer)
- Corporate Director – Corporate Services (Monitoring Officer)

“Deputy Chief Officer” means those Officers who report to a post reporting to the Chief Executive.

3. Recruitment and appointment – general

3.1 Declarations

- (a) 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 Member or an Officer of the Council; or of the partner of such persons; or have a personal friendship with a Member of the Council
- (b) No candidate so related to a Member or an Officer or a personal friend of a Member will be appointed without the authority of the relevant Chief Officer or an Officer nominated by them.

3.2 Seeking support for appointment

- (a) Subject to paragraph 3.2(c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment as an officer with the Council. The

content of this paragraph will be included in any recruitment information.

- (b) Subject to paragraph 3.2(c), no Member will seek support for any person for any appointment as an Officer with the Council.
- (c) Nothing in paragraphs 3.2(a) and 3.2(b) will preclude a Member from giving written reference for a candidate for submission with an application for appointment.

4. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

4.1 Where the Council proposes to appoint a Head of Paid Service, a Chief Officer or a Deputy Chief Officer and it is not proposed that the appointment be made exclusively from among its existing Officers, the Council will:

- (a) 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) 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) make arrangements for a copy of the statement mentioned in paragraph 4.1(a) to be sent to any person on request.

5. Appointment of Head of Paid Service

5.1 Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointment and Remuneration Panel.

6. Appointment of Chief Officers and Deputy Chief Officers

6.1 A Committee or Sub-Committee of the Council will appoint Chief Officers, as defined in this policy, providing that the Chief Executive may appoint Chief Officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by a panel of Members (known as 'the Appointment and Remuneration Panel').

6.2 The Chief Executive or Chief Officers may make permanent appointments of Deputy Chief Officers.

7. Statement of Pay Policy

- 7.1 A statement of the Council's pay policy will be published annually.

8. Remuneration of Chief Officers

- 8.1 An Appointment and Remuneration Panel is responsible for advising on the remuneration applicable to a Chief Officer where there is any proposal to offer a salary outside of the current grading structure for Chief Officers.
- 8.2 In addition, an Appointment and Remuneration Panel is responsible for advising on any proposal to offer a salary package for any other Officer that is outside of the current grading structure and exceeds £100,000.

9. Payments related to Retirement, Redundancy or Termination of Employment

- 9.1 In the exceptional circumstances of a compensation payment upon termination of employment being proposed for a Chief Officer, the case will be referred to an Appointment and Remuneration Panel for consideration and recommendation to the Chief Executive. The local auditor will also be consulted about any such compensation payments.
- 9.2 Where such payments are proposed to be made to the Chief Executive, the matter will be referred to the Audit, Standards & General Purposes Committee for a decision.
- 9.3 Where such payments are proposed for anyone other than a Chief Officer, a Chief Officer may approve the payment following consultation with the Monitoring Officer, Chief Finance Officer and the Director of Human Resources & Organisational Development, except where any proposed payments that are above statutory or contractual entitlements exceed £100,000. Where any such payment exceeds £100,000 the case will be referred to an Appointment and Remuneration Panel for consideration and recommendation to the Chief Executive.
- 9.4 The provisions of this section notwithstanding, approval of any Special Severance Payments as defined in the relevant Statutory guidance¹ will be made in accordance with that guidance, unless there is a good reason not to.

¹ [Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

10. Appointments and Remuneration Panel

10.1 Whenever an Appointment and Remuneration Panel is convened in accordance with paragraphs 5.1, 6.1,8.1,8.2, 9.1 and 9.3 above, it shall be constituted as follows:

- The Appointment and Remuneration Panel shall consist of 6 Members who shall be appointed on a politically proportionate basis and at least one Member must be a member of the Executive. Note: this should not be interpreted as a requirement that members from each of the Council's political Groups shall be represented on the Panel.
- The Corporate Director – Corporate Services shall appoint Members of the Panel in accordance with the wishes of the relevant Group Leader/Convenor
- The Appointment and Remuneration Panel shall be chaired by a member of the Group with the largest number of seats in the Council.
- The Appointment and Remuneration Panel shall endeavour to reach a decision by consensus. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chair shall have a casting vote.
- The Corporate Director – Corporate Services is authorised to take all steps necessary or incidental to the support of this appointments process.

11. Other Appointments

11.1 **Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Members.

11.2 **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

12. Disciplinary Action and/or Dismissal - Head of Paid Service

12.1 A decision to dismiss the Head of Paid Service may not be taken except in accordance with the Model Disciplinary Procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities, which incorporates the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations).

12.2 Dismissals of the Head of Paid Service for any reason must be approved by Full Council. However adherence to the Model Disciplinary Procedure referred to in paragraph 12.1 is not required

where the dismissal is on grounds of redundancy, permanent ill-health (in which case the council's sickness procedure may be adopted) or the expiry of a fixed term contract where there has been no commitment to renew it.

- 12.3 Where the Model Disciplinary Procedure refers to the Investigating and Disciplinary Committee, the functions of that Committee will be discharged by a sub-committee of the Audit, Standards & General Purposes Committee known as the Employment Sub-Committee. This Sub-Committee will consist of 3 members from the Audit, Standards & General Purposes Committee and a member of the Executive. Independent persons will be appointed to the Panel as required by the Regulations.
- 12.4 Prior to a meeting of Full Council to consider the potential dismissal of the Head of Paid Service, the matter shall be referred to Employment Sub-Committee. The Employment Sub-Committee must be convened at least 20 working days before the relevant meeting of Full Council.
- 12.5 Two independent persons shall be invited to sit on the Employment Sub-Committee convened under paragraph 12.4 above. Where the two Independent Persons appointed under section 28(7) of the Localism Act 2011 are not available, the Monitoring Officer will be authorised to invite an Independent Person from another authority.
- 12.6 The Employment Sub-Committee will consider the appointment of an investigator and whether suspension is appropriate. Where an investigation takes place, the Employment Sub-Committee will consider the results of the investigation.
- 12.7 Where the Employment Sub-Committee recommends dismissal, it shall refer the matter to Full Council for approval before notice of dismissal is given.
- 12.8 Before taking a vote at the meeting, Full Council shall take into account:
 - a) any advice, views or recommendations of the Employment Sub-Committee
 - b) the conclusions of any investigation into the proposed dismissal and
 - c) any representations from the relevant Officer
- 12.9 As any decision to dismiss will be taken by Full Council, it is not possible to provide an internal appeal process against the dismissal.

13 Disciplinary Action and/or Dismissal - Monitoring Officer and Chief Finance Officer

- 13.1 A decision to dismiss the Monitoring Officer and Chief Finance Officer may not be taken unless the procedure set out below is complied with.
- 13.2 The below procedure is not required where the dismissal concerns redundancy, permanent ill-health or infirmity of the mind or body or a non-renewal of a fixed term contract (except where the Council has previously undertaken to renew the contract). In addition it will not apply where dismissal is not a potential outcome. In such cases, the matter will be dealt with in accordance with the Joint Negotiating Committee Conditions of Service for Chief Officers of Local Authorities.
- 13.3 Prior to a meeting of Full Council to consider the potential dismissal of the Monitoring Officer or Chief Finance Officer, the matter shall be referred to Employment Sub-Committee. The Employment Sub-Committee must be convened at least 20 working days before the relevant meeting of Full Council.
- 13.4 Two independent persons shall be invited to sit on the Employment Sub-Committee convened under paragraph 13.3 above. Where the two Independent Persons appointed under section 28(7) of the Localism Act 2011 are not available, the Monitoring Officer will be authorised to invite an Independent Person from another authority. Where the matter concerns the Monitoring Officer, the Chief Executive will be authorised to invite an Independent Person from another authority.
- 13.5 The Employment Sub-Committee will consider the appointment of an investigator and whether suspension is appropriate. Where an investigation takes place, the Employment Sub-Committee will consider the results of the investigation.
- 13.6 Where the Employment Sub-Committee recommends dismissal, it shall refer the matter to Full Council for approval before notice of dismissal is given.
- 13.7 Before taking a vote at the meeting, Full Council shall take into account:
- d) any advice, views or recommendations of the Employment Sub-Committee
 - e) the conclusions of any investigation into the proposed dismissal and
 - f) any representations from the relevant Officer
- 13.8 As any decision to dismiss will be taken by Full Council, it is not possible to provide an internal appeal process against the dismissal.

14. Disciplinary Action and/or Dismissal - Chief Officers

14.1 This section applies to Chief Officers not covered by the process referred to in paragraph 13.1 above. Disciplinary or dismissal action will be dealt with in accordance with the relevant terms and conditions of employment and the Council's disciplinary procedure where applicable except that the Employment Sub-Committee will hear/consider any cases that could result in dismissal or formal action short of dismissal and have the power to determine either the dismissal or imposition of formal action short of dismissal.

15. Disciplinary Action and/or Dismissal - Officers other than Chief Officers

15.1 Members will not be involved in the disciplinary action or dismissal of any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

16. Notice to the Executive of Proposed Appointment or Dismissal to the Executive

16.1 An offer of appointment or notice of dismissal in relation to the Head of Paid Service, a Chief Officer or Deputy Chief Officer must not be issued until the Executive has been given the opportunity to object the proposed appointment or dismissal.

16.2 The following procedure reflects that set out in legislation and must be completed before of an offer of appointment is made or notice of dismissal is issued.

16.3 An offer of appointment or notice of dismissal in relation to the Head of Paid Service, a Chief Officer or Deputy Chief Officer must not be issued until:

- a) the appointer/dismissor has notified the proper officer of the name of the person to whom they wish to dismiss or make an offer of appointment to and any other particulars which the appointor/dismissor considers are relevant to the appointment/dismissal
- b) the proper officer has notified every member of the Executive of:—
 - (i) the name of the person to whom the appointor/dismissor wishes to make an offer/dismiss;
 - (ii) any other particulars relevant to the appointment which the appointor/dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer or issuing notice of dismissal is to be made by the Leader on behalf of the executive to the proper officer.

- c) either—
- (i) the Leader has, within the period specified in the notice under sub-paragraph b)(iii), notified the appointor/dismissor that neither they nor any other member of the Executive has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor/dismissor that no objection was received by them within that period from the Leader; or
 - (iii) the appointor/dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

16.4 For the purposes of this section the appointer or dismissor could be the Appointment and Remuneration Panel, the Chief Executive, a Chief Officer or the Employment Sub-Committee as appropriate.

16.5 For the purposes of this section the proper officer will be either the Chief Executive, a Chief Officer, the Monitoring Officer, the Director of Human Resources & Organisational Development or any officer delegated this role.