

Part 4

Officer Employment Procedure Rules

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Officer Employment Procedure Rules

1. Standing Orders

1.1 In this Part -

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"the Local Authority 2001 Regulations" means the Local Authorities (Standing Orders) (England) Regulations 2001 as amended;

"the Local Authorities Regulations 2015" means the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

"disciplinary action" has the same meaning as in the Local Authorities 2001 Regulations; namely any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a fixed term contract unless the Authority has undertaken to renew such a contract.

"Cabinet" and "Leader" have the same meaning as "executive" and "executive leader" in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority;

"Chief Officer" as defined by the Council shall mean those officers who together make up the Officers' Management Team, namely the Chief Executive, Deputy Chief Executive and Heads of Service.

1.2 Subject to paragraphs 3 and 4, the function of appointment of, dismissal of, or taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the officer designated under section 4(1) of the 1989 Act as the Council's Head of Paid Service or by an officer nominated by him/her.

1.3 Paragraph 1.2 shall not apply to the appointment or dismissal of Chief Officers.

- 1.4. (a) Where a Committee or Sub-Committee is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Council's Chief Executive, the Council must approve that appointment before an offer of appointment is made to him/her.
- (b) Where a Committee or a Sub-Committee of the Council is discharging, on behalf of the Council, the function of the appointment of a Chief Officer (other than the Chief Executive), at least one member of the Cabinet must be a member of the Committee or Sub-Committee convened for that purpose.

- (c) Any decision to dismiss a Statutory Chief Officer (Chief Executive, Chief Finance Officer or Monitoring Officer) or Deputy Chief Executive must be taken by a vote at a meeting of full Council, having taken into account any advice, views or recommendations of the Independent Panel in accordance with paragraphs 4.1 and 4.2 below.
- (d) Where a Committee or Sub-Committee is discharging, on behalf of the Council, the function of the potential dismissal of a Chief Officer (other than the Chief Executive, Deputy Chief Executive, Chief Finance Officer or Monitoring Officer) at least one member of the Cabinet must be a member of the Committee or Sub-Committee convened for that purpose.

2 Recruitment and Appointment

- (a) Declarations.

Candidates are required to state in writing if they are known to any Member or officer of the Council and, if so, to give details.
- (b) Seeking support for appointment.
 - (i) Candidates are required to sign a statement acknowledging that the canvassing of a Member or officer of the Council will disqualify their application.
 - (ii) No Member will seek support for any person for any appointment with the Council.

3 Recruitment of Chief Officers

- 3.1 Where the Council proposes to appoint a Chief Officer (and it is not proposed that the appointment be made exclusively from among their existing officers), the Council will:
 - (a) draw up a job description and person specification including the qualifications and 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;
 - (c) make arrangements for an information pack including the job description to be sent to any person on request; and
 - (d) the General Purposes Committee shall establish an Appointments Sub-Committee to deal with the appointment.
- 3.2
 - (a) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or where a Committee, Sub-Committee or officer is discharging the function of appointment on behalf of the Council, that Committee, Sub-Committee or officer as the case may be.
 - (b) An offer of an appointment as an officer referred to in sub-paragraph 3.1 must not be made by the appointor until:
 - (i) the appointor has notified the Human Resources Manager of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (ii) The Human Resources Manager has notified every member of the Cabinet of:
 - (a) the name of the person to whom the appointor wishes to make the offer;
 - (b) any other particulars relevant to the appointment which the appointor has notified to the Human Resources Manager; and
 - (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and
- (iii) Either:
 - (a) the Leader has within the period specified in the notice under sub-paragraph (ii) (c) notified the appointor that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;
 - (b) the Human Resources Manager has notified the appointor that no objection was received by him/her within that period from the Leader; or
 - (c) the appointor is satisfied that any objection received from the Leader within that period is not material or not well-founded.

4 Potential dismissal of a Chief Officer

- 4.1 (i) Where the conduct of a Chief Officer may lead to their dismissal, the General Purposes Committee shall establish a Sub-Committee for the purposes of discharging the decision of whether or not to dismiss. That Sub-Committee will include a member of the Cabinet.
- (ii) In cases of potential dismissal of the Council's Chief Executive, Deputy Chief Executive, Chief Finance Officer or Monitoring Officer, this Sub-Committee will also include at least two independent persons in accordance with the Local Authorities Regulations 2015 and the task of the Sub-Committee in this instance will be to provide its advice, views and recommendations to full Council with whom the decision to dismiss lies.
- 4.2 No action to dismiss may be taken in respect of the Chief Executive, the Deputy Chief Executive, the Monitoring Officer or the Chief Finance Officer, except after having taken into account the advice, views or recommendations of the Sub-committee comprising no less than two Independent Persons, following the conclusions of any investigation into the proposed dismissal and any representations from the protected officer concerned as set out in the Local Authorities Regulations 2015.
- 4.3 Any decision to dismiss a Statutory Chief Officer (Chief Executive, Monitoring Officer and Chief Finance Officer) or Deputy Chief Executive must be taken by vote at a meeting of the full Council.

4.4 In this paragraph “dismissor” means, in relation to the dismissal of a Chief Officer, the Council or, where a Committee or Sub-Committee is discharging the function on behalf of the Council, that Committee or Sub-Committee as the case may be.

4.4.1 Notice of the dismissal of a Chief Officer must not be given by the dismissor until:

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Human Resources Manager has notified every member of the Cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Human Resources Manager; and
- (c) either:-
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b) (iii) notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the Human Resources Manager has notified the dismissor that no objection was received by him/her within that period from the Leader; or
 - (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4.4.2 Nothing in paragraph 1.2 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

4.5 The Chief Executive, the Monitoring Officer or the Chief Finance Officer may be suspended whilst an investigation takes place and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

5 Dismissal

Members will not be involved in any disciplinary action or the dismissal of any officer other than in the circumstances provided for in paragraph 4 above, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Though 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.

6 Political Assistants

- (1) No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the political groups which qualify for one.
- (2) No post may be allocated to a political group which does not qualify for one; and
- (3) Not more than one post shall be allocated to any one political group.