

Part 4 – H

OFFICER EMPLOYMENT PROCEDURE RULES

Any mandatory standing orders issued in respect of senior appointments will be incorporated into this Constitution, as they become available.

References to Chief Officers and Deputy Chief Officers in these rules shall be construed in accordance with the provisions of section 2 of the Local Government and Housing Act 1989 and shall include both statutory and non-statutory chief officers as defined by that section. A list of all employees falling within the definition of deputy chief officer shall be maintained by the Head of Human Resources. For the purposes of these rules, the Proper Officer shall be the Head of Democracy Services.

For the avoidance of doubt, the following provisions of these rules do not apply to the appointment of officers on an interim basis.

1. Recruitment and Appointment

(a) Declarations

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.

Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the relevant Chief Officer or his/her nominee.

(b) Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

No councillor or officer will seek support for any person for any appointment with the Council.

2. Recruitment of Chief Executive and Chief Officer

2.1 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 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 (a) to be sent to any person on request.

2.2 For any new appointment where the salary is £100k per annum or more approval should be obtained from Full Council prior to the appointment being made (in practical terms the agreement would be sought at the start of the recruitment process).

3. Appointment of the Chief Executive and the Council's Monitoring Officer

3.1 Full Council will, before an offer of appointment is made, approve the appointment of the Chief Executive and the Monitoring Officer, following the recommendation of such an appointment by the Council's Appointments Committee. That Committee must include at least one member of the Cabinet.

3.2 Full Council may only make or approve the appointments of the Chief Executive and the Monitoring Officer where no material or well-founded objection has been made by any member of the Cabinet (see paragraph 6 below).

4. Appointment of Chief Officers

4.1 The Appointments Committee or Sub-Committee (the appointer) will appoint Chief Officers. That Committee must include at least one member of the Cabinet.

4.2 An offer of employment as a Chief Officer or the Monitoring Officer shall only be made where no material or well-founded objection from any member of the Cabinet has been received (see Para 6 below).

5. Other Appointments

5.1 Appointment of officers at or below deputy chief officer (other than assistants to political groups and an assistant to the Mayor and the Monitoring Officer) is the responsibility of the Head of Paid Service or his/her nominee(s), (the appointer) and may not be made by members. However, appointments of deputy chief officers are subject to the procedure set out in paragraph 6, even though the appointment is being made by officers.

6. Offers of Appointment

6.1 An offer of an appointment to the following posts shall comply with the following provisions of this rule:

a) Chief Executive

b) Executive Director of Adult Social Care integrated care and public health*

c) Executive Director of Children, Lifelong Learning and Families*

- d) Executive Director of Environment, Civic Pride and Climate**
- e) Executive Director of Finance and Digital*
- f) Executive Director of Housing and Sustainable Development**
- g) Executive Director of Innovation and Change**
- h) Director of Public Health*
- i) Deputy Chief Officer (including the post designated as the Council's Monitoring Officer)

*Statutory Chief Officer

**non statutory chief officer

6.2 Such an appointment shall not be made by the appointer until

a) the appointer has notified the Proper Officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment.

b) the Proper Officer has notified every member of the Cabinet of the authority –

i) the name of the person to whom the appointer wishes to make the offer

ii) any other particulars relevant to the appointment; and

iii) 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

c) either –

(i) the Leader, has within the period specified in the notice under subparagraph (b)(iii), notified the Proper Officer that neither he nor any other member of the Cabinet has any objection to the making of the offer; and

(ii) the Proper Officer has notified the appointer that no objection has been received by him within that period from the Leader; or

(iii) The appointer or satisfied that any objection received from the Leader within that period is not material or is not well-founded

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

6.4 No appointment of an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made until the Council has allocated such a post to each of the political groups that qualify for one.

6.5 No post as an assistant to a political group under section 9 of the Local Government and Housing Act 1989 shall be made in respect of any party group which does not qualify for one under that Act.

6.6 Determination and qualification for posts under section 9 of the Local Government and Housing Act 1989 shall be the responsibility of the Monitoring Officer.

6.7 No more than one post as a political assistant shall be allocated to any one political group.

7. Suspension

7.1 The Chief Executive, the Chief Finance Officer and the Monitoring Officer 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 beginning on the day on which the suspension takes effect.

8. Disciplinary Action

8.1 No disciplinary action to dismiss may be taken in respect of the Chief Executive, the Executive Director of Finance and Digital (s151 officer) or the Monitoring Officer except after having taken into account any advice, views or recommendations of a panel, the conclusions of any investigation and any recommendations of the relevant officer i.e as set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

8.2 Involvement of Councillors. Subject to paragraph 8.1 above in the case of the Monitoring Officer, Councillors will not be involved in the disciplinary against any officer at or below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

9. Dismissal

9.1 Where a committee, sub-committee or officer is discharging on behalf of the Council, the function of the dismissal of an officer designated as the Council's Chief Executive, the Council must approve that dismissal before notice of dismissal is given to him/her.

9.2 Where a committee or a sub-committee if the Council is discharging, on behalf of the Council the function of the dismissal of any officer referred to in paragraph 6.1 (a-f) or the Monitoring Officer at least one member of the Cabinet must be a member of the committee or sub-committee.

9.3 Notice of the dismissal of an officer referred to in paragraph 6.1 must not 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 proper officer 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 proper officer; and

(c) either:

(i) the Leader has, within the period specified in the notice under subparagraph (b) (iii) notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;

(ii) the Proper Officer has notified the dismissor that no objection was received by him 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.

10. Termination Payments

10.1 Any termination payment outside of an officer's contractual and statutory entitlement, the value of which is less than £100,000 shall require the approval of the Appointments Committee and does not need to be reported elsewhere

10.2 Any termination payment outside of an officer's contractual and statutory entitlement, the value of which is £100,000 or more shall require the approval of the Appointments Committee *and* full Council, provided that if in the view of the Chief Executive it is more appropriate for the decision to be taken solely by full Council without prior consideration or approval by the Appointments Committee, s/he may choose to put the matter straight to full Council. If the decision in question relates to the Chief Executive him or herself, then the Monitoring Officer shall have the authority to exercise the discretion to refer the matter straight to Council.

10.3 As part of its audit role, the Governance Standards and Audit Committee shall be entitled to request a report on termination payments which have been paid from time to time but there is no requirement for this Committee to approve such payments.