

1. SECTION 9 – OFFICER EMPLOYMENT PROCEDURE RULES

1.1 Introduction

This Part deals with the appointment and dismissal of staff.

The Head of Paid Service is responsible for employment matters.

1.2 Prescribed Standing Orders

- 1.2.1 Subject to rule 1.2.2 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority by the Head of Paid Service or by an Officer nominated by him or her.
- 1.2.2 Rule 1.2.1 shall not apply to the appointment or dismissal or, or disciplinary action against:
 - (a) The Head of Paid Service.
 - (b) A statutory Chief Officer.
 - (c) A non-statutory Chief Officer.
 - (d) A Deputy Chief Officer.
- 1.2.3 Permanent appointment shall be upon a contract which, unless terminated earlier by either party, would continue for a period of more than 18 months. Interim appointment shall be upon terms which will terminate before the expiry of a period of no more than 18 months, unless extended with the approval of the Appointments Committee (for Chief and Deputy Chief Officers) or the Head of Paid Service (for all other Officers).
- 1.2.4 Appointment shall include designation as Head of Paid Service, Chief Financial Officer and Monitoring Officer recruitment and appointment.

1.3 Declarations

- 1.3.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have any relationship with any Councillor or Officer of the Council.

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- 1.3.2 No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him.

1.4 Seeking Support for Appointment

- 1.4.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.4.2 No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

1.5 Recruitment of Chief Executive/Head of Paid Service and Chief Officers

- 1.5.1 Where the Council proposed to appoint a Chief Executive/Head of Paid Service or 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 including the following:
- The Duties of the Officer concerned; and
 - 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 procedures mentioned in paragraph 1.2.1 to be sent to any person on request.

1.6 Appointment of Head of Paid Service

- 1.6.1 The Full Council will approve the appointment of the Head of Paid Service, following the recommendation of such appointment by a committee or sub-committee of the Council.

1.7 Appointments and Dismissals of Chief Officers

In this paragraph –

“the Appointing Committee” means the Appointments Sub-Committee

“the Dismissing Committee” means the Investigatory Sub-Committee

“the Proper Officer” means the Head of Law and Democracy.

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- 1.7.1 The appointment and dismissal of the Chief Executive/Head of Paid Service and Chief Officers is the responsibility of the relevant Committee.
- 1.7.2 Where the relevant Committee is proposing to appoint or dismiss the Chief Executive/Head of Paid Service, the Council must approve that appointment before the offer of appointment is made or must approve that dismissal before notice of dismissal is given.
- 1.7.3 The Committee shall not make an offer of appointment in relation to any of the officers named in 1.7.1 until:
- (a) The relevant Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
 - (b) Notice of the dismissal of an officer named in 1.7.1 above must not be given by the Committee until:
 - The Committee has notified the proper officer of the name of the person who the Committee wishes to dismiss (in the case of the Chief Executive/Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, subject to the approval of the Council) and any other particulars which the Committee considers are relevant to the dismissal.

1.8 Other Officers

- 1.8.1 Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive/Head of Paid Service or his nominee, and may not be undertaken by Councillors.
- 1.8.2 Councillors will not be involved in disciplinary action against any Officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

1.9 Suspension

- 1.9.1 An Officer named in 1.7.1 above and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

1.10 Appeals

1.10.1 None of the above shall prevent a Councillor serving as a member of an appeals Committee or body established to consider an appeal by:

- (a) Any person against any decision relating to the appointment of that person as a member of staff of the authority; or
- (b) A member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the member of staff has less than six months' notice – in these instances the appeal shall be conducted by a senior officer.

1.11 Appointment of Political Assistants

For the purposes of Section 9(2)(d) of the Local Government and Housing Act 1989 (the 1989 Act):

1.11.1 No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the groups which qualify for one;

1.11.2 No political group shall be allocated a post unless it qualifies for one under the 1989 Act; and

1.11.3 No political group shall be allocated more than one post.