

CONSTITUTION – PART 4 – RULES OF PROCEDURE

(9) Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i) 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.
- ii) Every member and Chief Officer or Deputy Chief Officer of the Council shall disclose to the Assistant Chief Executive any relationship known to him or her to exist between himself or herself and any person known to be a candidate for an appointment under the Council. The Assistant Chief Executive shall report to the members or Chief Officer responsible for making the appointment details of the disclosure.
- iii) No candidate so related to a councillor or an officer will be appointed without the authority of the Assistant Chief Executive and relevant chief officer and another chief officer or officers nominated by them.

(b) Seeking support for appointment

- i) Subject to paragraph (iii), 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.
- ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs i) and ii) above will preclude a councillor from giving a reference for a candidate for submission with an application for appointment.

2. Recruitment of head of paid service and chief officers

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 (1) to be sent to any person on request.

3. Appointment of head of paid service

- (a) The full council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.
- (b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Cabinet.

4. Appointment of chief officers and deputy chief officers

- (a) A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. That committee or sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as a chief officer or deputy chief officer shall not be made if an objection is received from a member of the Cabinet which is well founded in the opinion of the Chief Executive or the Monitoring Officer.
- (c) A deputy chief officer means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to a chief officer.

5. Other appointments

- (a) **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 his/her nominee, and may not be made by councillors.
- (b) **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.

6. Disciplinary action

~~(a) **Suspension.** The Head of Paid Service, the Monitoring Officer and the Chief Finance 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.~~

~~(b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~

~~(c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer 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 disciplinary action.~~

7. Dismissal

~~In the event of a proposal to dismiss the Head of Paid Service, a Chief Officer or Deputy Chief Officer, all the members of the Cabinet shall be informed and the body making the decision shall consider whether any objection from a Cabinet member is well founded before deciding whether to confirm the dismissal.~~

~~Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer 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~~

- (i) Where an allegation is made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Statutory Officers) relating to conduct or capability or some other substantial issue that requires investigation, the matter will be considered by the Governance Committee.
- (ii) The Governance Committee will consider and action suspension, where appropriate. Any suspension must not last longer than two months, unless an extension is recommended by a suitably qualified and independent Investigator.
- (iii) For the purposes of the 2015 regulations, the Governance Committee will operate as the Panel (including two or more independent persons who have accepted the invitation).
- (iv) The Panel will include two or more independent persons who accept the invitation in the following priority order:
 - (a) a relevant independent person who has been appointed by the council and who is a local government elector;
 - (b) any other independent person who has been appointed by the council; and
 - (c) an independent person who has been appointed by another council or councils.
- (v) At the relevant time, the Committee will consider whether potential disciplinary/dismissal issues require investigation and whether the relevant officer should be suspended. In this regard the authority must ensure that the Panel is in place at least 20 working days before the meeting at which it considers whether to approve a proposal to dismiss.
- (vi) The Governance Committee will inform the relevant officers of the allegations, and allow him/her to respond in writing and in person. The Governance Committee will then decide whether no further action is required or that the matter requires an investigation by a suitably qualified and independent person and the Committee will use its best endeavours to agree this person with the officer.
- (vii) The Panel will review the results of the investigation to consider what action if any is appropriate, after hearing the views of the relevant officer, and report its recommendations. The independent persons must express their views but do not have a vote on whether the case should progress to full Council to consider dismissal.
- (viii) Where dismissal is recommended, the Panel will provide advice, views or recommendations to Full Council for the authority to vote on whether it approves the proposal to dismiss. The relevant officer will be provided with all relevant papers or documents in advance of the meeting and allowed to make their representations. Written representations may also be given by the relevant officer in advance of the meeting.
- (ix) No notice of dismissal shall be given until the matter has been referred to the full Council for approval.
- (x) In relation to an appeal, as the authority has approved the dismissal, there is no one in the authority who has the power to overturn the dismissal decision. In this respect and as set out above, the relevant officer will have the opportunity to make representations to the Panel before any dismissal recommendation is made and thereafter at full Council.