

OFFICER EMPLOYMENT PROCEDURE RULES

1. Officers

- a) For the purposes of Section 4 of the Local Government and Housing Act 1989 the Head of Paid Service shall be the Chief Executive.
- b) For the purposes of Section 5 of the Local Government and Housing Act 1989 the Monitoring Officer shall be the General Counsel.
- c) For the purposes of Section 151 of the Local Government Act 1972 the Officer with responsibility for the administration of the financial affairs of the Council, the ‘Chief Finance Officer’, shall be the Director of Finance and Commercial Services.
- d) Chief Officer for the purpose of these Officer Employment Procedure Rules means the Head of Paid Service, Chief Finance Officer, any Strategic Director, any Officer who reports **directly** to the Chief Executive, or any Statutory Chief Officer as defined in section 2 (6) (a), (c) or (d) of the Local Government and Housing Act 1989:
 - Director of Children’s Services appointed under section 18 of the Children Act 2004, who shall be the Strategic Director of Children’s Services
 - Director of Adult Social Services appointed under section 6 of the Local Authority Social Services Act 1970, who shall be the Strategic Director of Adults Care and Wellbeing
 - Director of Public Health appointed under section 73A National Health Service Act 2006 (local authorities and NHS), who shall be the Strategic Director of Public Health and Commissioning

and any Officer who reports **directly** to any of the Officers listed above for all or most of their duties, but not any person whose duties are solely secretarial or clerical.

2. Recruitment and Appointment

2.1 Where the Council recruits officers, the Council will:

- (a) Draw up a job description, person and health specification which includes:
 - (i) The duties of the officer concerned;
 - (ii) Any skills, knowledge and attainments to be sought in the person to be appointed; and
 - (iii) The identification of any job duties which have a potential to cause harm to the employee's health.
- (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 a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
- (d) Where no qualified person has applied, the Council shall review (a) and (b) above and where required shall make further arrangements for advertisement.

2.2 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 Councillor or officer of the Council, or of the partner of such persons.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

2.3 Seeking support for appointment

- (a) 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. No Councillor will seek support for any person for any appointment with the Council; and

- (b) Councillors may provide a reference for a candidate if they are not directly involved in the recruitment process. However, any attempt by a Councillor to influence the process in the favour of the applicant will result in the applicant's disqualification.

2.4 Where a post has been advertised, the Council shall:

- (a) Interview all qualified applicants for the post, or
- (b) Select a shortlist of such qualified applicants and interview those included on the shortlist.

2.5 Where the Council is seeking to reduce the number of employees, the Council may seek to mitigate redundancy through internal recruitment processes.

3. Recruitment of Head of Paid Service and 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 the Council's existing officers, the Council will follow Procedure Rule 2 above.

4. Appointment of Head of Paid Service

4.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Council's Senior Officer Employment Committee or a sub-committee thereof ("the Committee"). Full Council will approve the appointment before an offer of appointment is made to that person.

5. Appointment of Chief Officers

- (a) The Committee will appoint Chief Officers.

- (b) After the offer of appointment has been accepted, the appointment will be reported to the next available meeting of the Council for information.
- (c) Full Council must approve any salary package for any post (not including schools) that is in excess of £100,000 and not within the approved Pay Policy Statement, before an offer of appointment is made.

6. Appointment of Director of Public Health

The Council is to act jointly with the Secretary of State for Health and Social Care when appointing a Director of Public Health. The Council is to follow its established Officer Employment Procedure Rules, as set out here, and is also to:

- (a) Involve the UK Health Security Agency on behalf of the Secretary of State for Health and Social Care in all stages of the recruitment and appointment process and follow the guidance issued by the Secretary of State on appointing Directors of Public Health;
- (b) Engage with the Faculty of Public Health on the draft job description, person specification and advert to ensure it covers the statutory responsibilities of this role and necessary areas of professional and technical competence;
- (c) Ensure all candidates meet the statutory requirements for appropriate regulation and registration; and
- (d) Organise the Appointment Committee to include:
 - Members of the Committee at Procedure Rule 5 above
 - Chief Executive or his/her nominated deputy
 - UK Health Security Agency Regional Director or another senior professionally qualified member of Public Health Committee acting on his/her behalf
 - External professional assessor appointed after consultation with the Faculty of Public Health
 - Senior NHS representation.

7. Other Appointments

7.1 Officers below Chief Officer

Appointments of officers below Chief Officer (other than Assistants to Political Groups) are the responsibility of the Head of Paid Service, or his/her nominee, and may not be made by Councillors.

7.2 Appointment of Consultants in Public Health

The Council is to be supported by the UK Health Security Agency and follow the statutory guidance on appointing Consultants in Public Health and is to:

- (a) Incorporate Faculty of Public Health role template into the job description and person specification;
- (b) Ensure all candidates are appropriately qualified and formally regulated; and
- (c) Consider who is to be involved in the appointment process, having regard to the list provided in the statutory guidance.

7.3 Assistants to Political Groups

- (a) The Council can create up to three assistants for political groups, subject to certain qualifying criteria as defined in Section 9 of the Local Government and Housing Act 1989.
- (b) The Council can only allocate one Political Assistant post to each of the qualifying groups.
- (c) The Council shall only make an appointment to any Political Assistant post once it has allocated a Political Assistant to each of the qualifying groups.
- (d) Appointment of Political Assistants shall be an Officer Responsibility. The selection process may include members of the relevant Political Group.
- (e) The Chair of the recruitment process shall be an Officer and the final recruitment decision shall be an Officer Responsibility, i.e. it is a matter for the Council as employer, under Section 112 of the

Local Government Act 1972, to decide the terms on which the Political Assistant is employed.

- (f) The Political Assistant Post is a fixed term contract which must end at the first Annual Council meeting after the person has been in post for 3 years, as set out in the HR Protocol for Political Assistants held by the Director of People and Culture.

8. Disciplinary Action and Dismissal of Certain Officers: Head of Paid Service, Monitoring Officer and Chief Finance Officer

8.1 Throughout this process the Committee will seek advice from the Director of People and Culture regarding guidance and procedures issued by the Joint Negotiating Committee (JNC) for Local Authority Chief Executives.

8.2 Suspension – The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the Committee whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months without review.

8.3 Investigation – The Committee will:

- Consider whether the alleged misconduct requires investigation and, if so, commission an Independent Investigator to carry out such an investigation;
- Hear the evidence from the relevant Officer;
- Consider the report and conclusions of the investigation;
- Decide on appropriate action.

8.4 Outcome – The Committee may:

- Take no further action;
- Recommend informal resolution or other appropriate procedure;
- Refer back to the Independent Investigator for further investigation and report;
- Take disciplinary action short of dismissal;
- Propose dismissal and refer to the Panel for review.

8.5 The Panel will be established as set out in Appendix A of these Procedure Rules and will be responsible for advising the Council on dismissal. If the Panel considers dismissal to be the appropriate action they will:

- Formulate advice, views or recommendations;
- Present a report to Council, incorporating:
 - any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal;
 - any representations from the relevant officer.

8.6 The Council will make the final decision on the dismissal, considering the above. The Panel’s recommendations are **not binding** on the Council.

8.7 If the Panel does not consider dismissal to be appropriate it will set out a clear rationale for this opinion in its report and refer the matter back to the Committee for a decision on any other disciplinary action.

9. Disciplinary Action and Dismissal of other Chief Officers

9.1 Throughout this process the Committee will seek advice from the Director of People and Culture regarding guidance and procedures issued by the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities.

9.2 Suspension – Chief Officers may be suspended whilst an investigation takes place.

9.3 Investigation – The Committee will consider whether the alleged misconduct requires investigation and, if so, convene a Disciplinary Hearing to investigate the matter. If the Committee considers it appropriate it may commission an Independent Investigator to investigate the alleged misconduct and report back to the Committee.

9.4 Outcome – The Committee will take into account the conclusions of the investigation and may:

- Take no further action;
- Recommend informal resolution or other appropriate procedure;
- Refer back to the Independent Investigator for further investigation and report;
- Take disciplinary action short of dismissal;
- Make the decision to dismiss the Officer.

9.5 Appeals against dismissal of these Officers will be heard by the members of the Senior Officer Employment Committee who were not involved in the original decision.

9.6 No decision to dismiss the Director of Public Health will be taken unless the Secretary of State for Health and Social Care (or the UK Health Security Agency on his behalf) has been consulted.

10. Disciplinary Action and Dismissal of other Officers

- (a)** **Councillors will not** be involved in the disciplinary action against any officer below Chief Officers, 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.
- (b)** **Appeal against Dismissal** for disciplinary, capability or other substantial reasons shall be to the Appeals and Collective Disputes Committee, which shall comprise of three Members who have attended appropriate training sessions.
- (c)** **Appeals against dismissal by reason of redundancy** shall be to a panel of authorised Chief Officers.

Appendix A: The Panel

- 1.0 A statutory officer (Head of Paid Service, Monitoring Officer or Chief Finance Officer) cannot be dismissed unless these provisions relating to the Panel are complied with.
- 2.0 The Panel is appointed (under section 102(4) of the Local Government Act 1972) as an advisory committee of the Council for the purposes of advising the Council on matters relating to the dismissal of certain officers of the Council.
- 3.0 The Council must invite independent persons (who have been appointed by this or another authority under section 28(7) of the Localism Act 2011) to be considered for appointment to the Panel.
- 4.0 The Council must appoint to the Panel at least two independent persons who have accepted an invitation, in the following priority order:
 - an independent person who has been appointed by this authority and who is a local government elector;
 - any other independent person who has been appointed by this authority;
 - an independent person who has been appointed by another authority or authorities.
- 5.0 The remuneration, allowances or fees paid to an independent person appointed to the Panel must be no more than the level of the remuneration, allowances or fees payable to them for their role as an Independent Person for the Standards regime.
- 6.0 The Panel must be appointed at least 20 working days before a meeting of the authority to consider whether or not to approve a proposal to dismiss a statutory officer.
- 7.0 A decision to dismiss **must** be taken by Full Council. In making the decision Council **must** take into account the factors as specified:
 - a) any advice, views or recommendations of the Panel;
 - b) the conclusions of any investigation into the proposed dismissal;
and
 - c) any representations from the relevant officer.

The Panel's recommendations are **not binding** on the Council

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