

## **Part 4h**

# **Officer Employment Procedure Rules**

**1. Recruitment and appointment - general****1.1 Declarations**

- 1.1.1 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.
- 1.1.2 In the case of an appointment to be made by an officer, 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.

**1.2 Seeking support for appointment**

- 1.2.1 Subject to paragraph 1.2.3, any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council will be disqualified. The content of this paragraph will be included in any recruitment information.
- 1.2.2 Subject to paragraph 1.2.3, no councillor will seek support for any person for any appointment with the Council.
- 1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

**2. Recruitment and Appointment - The Local Authorities (Standing Orders) Regulations 1993**

- 2.1 Where the authority proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, it shall:
- (i) draw up a statement specifying:
    - the duties of the Officer concerned and
    - any qualifications or qualities to be sought in the person to be appointed.
  - (ii) 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
  - (iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.
- 2.2 Where a post has been advertised in accordance with paragraph 2.1 (ii), the authority shall:
- (i) interview all qualified applicants for the post or
  - (ii) select a short list of such qualified applicants and interview those included on the short list.
- 2.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with paragraph 2.1(ii).
- 2.4 The steps taken under paragraphs 2.1, 2.2 or 2.3 above may be taken by a committee, sub-committee or Chief Officer of the authority.
- 2.5 Any Chief Officer may be appointed by a committee or sub-committee of the authority, or a relevant joint committee.
- 2.6 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

### **3. Recruitment and Appointment – The Local Authorities (Standing Orders) (England) Regulations 2001**

3.1 In this paragraph 3:

“the 1989 Act” means the Local Government and Housing Act 1989; “the 2000 Act” means the Local Government Act 2000

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001

“Executive” and “Executive Leader” have the same meaning as 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 and

“Proper Officer” means an officer appointed by the authority for the purposes of the provisions in this Part (currently the Chief Officer responsible for HR).

3.2 Subject to paragraphs 3.3 and 3.7, 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 officer designated under Section 4(1) of the 1989 Act (designation and reports of head of paid service) as head of the authority’s paid service or by an officer nominated by him.

3.3 Paragraph 3.2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (i) the officer designated as the head of the authority’s paid service
- (ii) a statutory chief officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts)
- (iii) a non-statutory chief officer or
- (iv) a person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).

3.4 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of the Authority’s Paid Service, the Authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

3.5 Where a committee or sub-committee of the Authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (i), (ii) or (iii) of paragraph 3.3, at least one member of the Executive must be a member of that committee or sub-committee.

3.6 In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

3.7 An offer of an appointment as an officer referred to in sub-paragraph (i), (ii) or (iii) of paragraph 3.3 must not be made by the appointor until:

- (i) the appointor has notified the Chief Officer responsible for HR 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 Chief Officer responsible for HR has notified every member of the Executive of the authority 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 Chief Officer responsible for HR and
    - (c) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Chief Officer responsible for HR and
  - (iii) either:
    - (a) the Executive Leader has, within the period specified in the notice under sub-paragraph (ii)(c), notified the appointor that neither he nor any other member of the Executive has any objection to the making of the offer
    - (b) the Chief Officer responsible for HR has notified the appointor that no objection was received by him/her within that period from the Executive Leader

or

    - (c) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
- 3.8 In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
- 3.9 Notice of the dismissal of an officer referred to in sub-paragraph (i), (ii) or (iii) of paragraph 3.3 must not be given by the dismissor until:
- (i) the dismissor has notified the Chief Officer responsible for HR 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
  - (ii) the Chief Officer responsible for HR has notified every member of the Executive of the Authority of:
    - (a) the name of the person who the dismissor wishes to dismiss
    - (b) any other particulars relevant to the dismissal which the dismissor has notified to the Chief Officer responsible for HR and
    - (c) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Chief Officer responsible for HR; and

- (iii) either:
  - (a) the Executive Leader has, within the period specified in the notice under sub-paragraph (ii)(c), notified the dismissor that neither he nor any other member of the Executive has any objection to the dismissal
  - (b) the Chief Officer responsible for HR has notified the dismissor that no objection was received by him within that period from the Executive Leader or
  - (c) the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

#### **4. Disciplinary Action**

- 4.1 In paragraph 4.2, “Statutory Finance Officer” (referred to as the Chief Financial Officer in the 2001 Regulations) and “disciplinary action”, “Head of the Authority’s Paid Service” and “Monitoring Officer”, have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 4.2 No disciplinary action in respect of the Head of the Authority’s Paid Service (unless he is also a council manager of the authority), its Monitoring Officer or its Statutory Finance Officer, except action described in paragraph 4.3 may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the Authority, without taking into account:
  - (i) any advice, views or recommendations of a Panel of independent persons appointed in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
  - (ii) the conclusions of any investigation into the proposed dismissal, and
  - (iii) any representations from the relevant officer.