

Officer Employment Procedure Rules

43.1 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) 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.

(b) Seeking support for appointment.

i) 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) No councillor will seek support for any person for any appointment with the Council.

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

43.3 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 executive.

(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 executive.

43.4 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 executive.

(b) An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the executive has been received.

43.5 Other appointments

(a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups and an assistant to the mayor) is the responsibility of the relevant Chief Officer, 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 provided the Council has agreed in principle to the appointment of political assistants.

43.6 Disciplinary action

(a) **Suspension.** The head of paid service, monitoring officer and 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.

43.7 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.

43.8 Appointment of Chief Officers

- (1) Subject to paragraphs (2) and (6) the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Chief Executive or by an officer nominated by him.
- (2) Paragraph (1) shall not apply to the appointment or dismissal of, or disciplinary action against –
 - (a) the Chief Executive
 - (b) a statutory or non statutory chief officer within the meaning of section 2 of the Local Government and Housing Act 1989 Act (“the 1989 Act”);
 - (c) a deputy chief officer within the meaning of section 2 of the 1989 Act; or
 - (d) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- (3)
 - (a) The full Council must approve the appointment of the Chief Executive before an offer of appointment is made to him or, as the case may be, must approve dismissal before notice of dismissal is given to him.
 - (b) Where a committee or sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in subparagraphs (a), (b) or (c) of paragraph (2), at least one member of the Cabinet must be a member of that committee or sub-committee.
- (4)
 - (a) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.
 - (b) An offer of an appointment as an officer referred to in subparagraph (a), (b) or (c) of paragraph 2 must not be made by the appointor until –
 - (i) the appointor has notified the Director of Human Resources of the name of the person on whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (ii) the Director of Human Resources has notified every member of the Cabinet 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 Director of People Services; and
 - (C) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Director of People Services; and either
 - (A) the 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 Cabinet has any objection to the making of the offer;
 - (B) the Director of People Services has notified the appointor that no objection was received by him within that period from the Leader; or
 - (C) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.

- (5) (a) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

- (b) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b) or (c) of paragraph (2) must not be given by the dismissor until

- (c) the dismissor has notified the Director of People Services 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;

- (iv) the Director of People Services has notified every member of the Cabinet 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 Director of People Services
and
 - (C) 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
 - (d) either –
 - (A) the 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 Cabinet has any objection to the dismissal;
 - (B) the Director of People Services has notified the dismissor that no objection was received by him within that period from the Leader; or
 - (C) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- (6) Nothing in paragraph 1 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
- (7)
 - (i) Every appointment (and dismissals) of a Chief Officer and a Deputy Chief Officer of the Council shall be made by the Appointments Sub-Committee except where the relevant Cabinet Member, indicates that they wish the Chief Executive to do so on his/her behalf. These arrangements shall also apply to appointments of Chief Officers and Deputy Chief Officers made as part of the Bi-borough arrangements. For such appointments to be made the Appointments Sub-Committee (or similar) of each of the participating boroughs must have agreed.
 - (ii) Disciplinary action shall only be considered against the Head of the Paid Service, the Chief Financial Officer or the Monitoring Officer when the provisions of the Local Authorities (Standing Order (England) (Amendment) Regulations 2015 have been adhered to.
- (8) Where it is proposed to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among the Council's existing officers, the Director of People Services shall:

- (a) draw up a statement specifying the duties of the post 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 statement referred to in paragraph (i) to be sent to any person on request.
- (9) Where a post has been advertised in accordance with paragraph (8) (b) a shortlist of qualified applicants for the post shall be selected and such selected applicants shall be interviewed by the Appointments Sub-Committee.
- (10) Where no qualified person has applied, the Director of People Services shall make further arrangements for advertisement in accordance with paragraph (8) (b) above.
- (11) The appointment, resignation, retirement etc, of Chief Officers shall be reported to all Members of the Council.

43.9 Disciplinary Action in Respect of Chief Officers

- 43.9.1.1 Every Chief Officer shall be subject to the Code of Conduct and the disciplinary procedures prescribed in or by his contract of employment and as set out in the Council's Constitution.
- 43.9.1.2 No disciplinary action in respect of the Head of the Paid Service, its Monitoring Officer or its Chief Financial Officer, except action described in paragraph (c) below, 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, other than in accordance with a the provisions of Standing Order 7 (ii) above.
- (c) No suspension of the officer for the purpose of investigating the alleged misconduct occasioning the requirements of Standing Order 51 (7)(ii) to be implemented which must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

43.10 Retirement at Age of 65

This Standing Order has been removed as it is no longer applicable.

43.11 Security

Every officer of the Council shall be required to give such security for the faithful execution of his office, and for duly accounting for all moneys which

may be entrusted to him, as the Council shall from time to time determine, the Council paying the necessary premiums.