

# EMPLOYMENT PROCEDURE RULES

## 1. RECRUITMENT AND APPOINTMENT

### 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 employee of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

### 1.2 Seeking support for appointment

1.2.1 Subject to Rule 3, 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 Rule will be included in any recruitment information.

1.2.2 Subject to Rule 3, no Councillor will seek support for any person for any appointment with the Council.

## 2. RECRUITMENT OF HEAD OF PAID SERVICE AND CERTAIN OTHER OFFICERS

Where the Council proposes to appoint a Head of Paid Service (to be styled Chief Executive), a Director, Chief Finance Officer or Monitoring Officer or other Officer within the definitions referred to in paragraph 3 of Part II of the First Schedule to the Local Authorities (Standing Orders)(England) Regulations 2001 ([as amended](#))-and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

### 2.1 draw up a statement specifying:

2.1.1 the duties of the Officer concerned; and

2.1.2 any qualifications or qualities to be sought in the person to be appointed;

- 2.2 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
- 2.3 make arrangements for a copy of the statement mentioned in Rule 1 to be sent to any person on request.

### 3. **APPOINTMENT OF HEAD OF PAID SERVICE**

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.

### 4. **APPOINTMENT OF CHIEF OFFICERS AND CERTAIN OTHER OFFICERS**

- 4.1 A committee or sub-committee of the Council will appoint the Officers referred to in Rule 2 and Deputy Chief Officers (Heads of Service). That committee or sub-committee must include at least one member of the Cabinet.
- 4.2 An offer of employment to such Officers shall only be made where within a specified period of time no well-founded and material objection from any member of the Cabinet has been received.

### 5. **OTHER APPOINTMENTS**

#### 5.1 **Other Officers**

Appointment and dismissal of other employees (excluding assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Councillors.

#### 5.2 **Assistants to political groups**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## 6. DISCIPLINARY ACTION

### ~~6.1 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 will last no longer than two months.~~

### 6.1 Dismissals of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

In respect of disciplinary action (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), the following provisions apply:

6.1.2 The Head of Paid Service, Chief Finance Officer and Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following Rules is complied with.

6.1.3 The Council must appoint a Panel for the purposes of advising the Full Council on matters relating to the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer. The Panel must be a committee of the authority. The Council must appoint the Panel at least 20 working days before the meeting of Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

6.1.4 The Council must invite relevant Independent Persons as defined in Rule 6.1.5 to be considered for appointment to the Panel, with a view to appointing at least two Independent Persons to the Panel.

#### 6.1.5

a) An Independent Person means an Independent Person who has been appointed under section 28(7) of the Localism Act 2011 (in relation to the Members' Code of Conduct);

b) A relevant Independent Person is an Independent Person who has been appointed by the Council or where there are fewer than two such persons appointed by the Council, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate.

6.1.6 The Council must appoint to the Panel such Independent Persons who have accepted an invitation issued in accordance with Rule 6.1.4, in accordance with 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 relevant Independent Person who has been appointed by the Council;
- c) a relevant Independent Person who has been appointed by another authority or authorities

6.1.7 The Council may appoint more than two relevant Independent Persons in accordance with Rule 6.1.6, but is not required to do so.

6.1.8 Before Full Council takes a vote on whether or not to approve a dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Council must take into account, in particular:

- 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 Officer in question.

## **~~6.2 Independent person~~**

~~No other disciplinary action may be taken in respect of any of those employees except in accordance with a recommendation in a report made by a designated independent person.~~

~~6.3 Councillors will not be involved in disciplinary action against any Officer other than the foregoing 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. APPOINTMENT AND DISMISSALS**

**7.1** Appointments and Dismissals of Officers within Rule 2 must further comply with the formalities and procedures contained in Part II of the First Schedule of the Local

Authorities (Standing Orders)(England) Regulations 2001 [\(as amended by the Local Authorities \(Standing Orders\) \(England\) \(Amendments\) Regulations 2015\)](#) so far as applicable to such appointment or dismissal.

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## 8. DISMISSAL

Councillors will not be involved in the dismissal of any Officer other than the foregoing 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 Councillors in respect of dismissals.