

Part 8

Employment Procedure Rules

1. Definitions

1.1. For the purposes of these rules officers are categorised as “Other Officers” and “Chief Officers” which are further defined as follows:

1.2. Statutory Chief Officers

1.2.1. Head of Paid Service (LGHA 1989, s 4)

1.2.2. Monitoring Officer (LGHA 1989, s 5)

1.2.3. Chief Finance Officer (LGA 1972, s151)

1.2.4. Director of Children’s Services (Children Act 2004, s 18)

1.2.5. Director of Public Health (National Health Service Act 2006, s 73A(1))

1.2.6. Director of Adult Social Services (Local Authority Social Services Act 1970, s 6(A1))

1.2.7. Other statutory Chief Officers within the meaning of section 2(6) of the Local Government and Housing Act 1989; and

1.2.8. Any interim or temporary appointments to these posts.

1.3. Non-statutory Chief Officers

1.3.1. An officer who reports directly to the Head of Paid Service and is paid a Chief Officer Grade as defined in the Council’s annual Pay Policy Statement (Strategic Directors)

1.3.2. Other non-statutory Chief Officers within the meaning of section 2 of the Local Government and Housing Act 1989; and

1.3.3. Any interim or temporary appointments to these posts.

1.4. Deputy Chief Officers

1.4.1. An officer not previously described in sections 1.2-1.3 who reports directly to, or to ~~into~~ a direct report of the Head of Paid Service (tier

two of the Council's Management Structure as appended to the Constitution at Part 11) and is paid a Chief Officer Grade as defined in the Council's annual Pay Policy Statement (Corporate Directors).

~~1.4.1.1.4.2.~~ ~~excluding Assistant Directors;~~
This excludes Assistant Directors;
and Directors and those paid a Chief Officer Grade but who are not
part of tier two of the Council's Management Structure.

~~1.4.2.1.4.3.~~ Other Deputy Chief Officers within the meaning of section 2 of the Local Government and Housing Act 1989; or

~~1.4.3.1.4.4.~~ An officer identified in Appendix A to these rules; and

~~1.4.4.1.4.5.~~ Any interim or temporary appointments to these posts.

1.5. Other Officers

1.5.1. All other officers not described above.

2. Recruitment and appointment

2.1. Declarations

2.1.1. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are related to an existing Councillor or Officer of the Council; or the partner or ex-partner of such a person.

2.1.2. 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.

2.2. Seeking councillors support for appointment

2.2.1. Subject to paragraph 2.2.3 below, 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.

2.2.2. Subject to paragraph 2.2.3 below, no Councillor will seek support for any person for any appointment with the Council.

- 2.2.3. Nothing in paragraphs 2.1.1 and 2.1.2 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.
- 2.3. **Chief Officer posts covered by these Rules**
- 2.3.1. Except where stated in these rules, Parts 3 to 9 apply to statutory Chief Officers, non-statutory Chief Officers (Strategic Directors) and Deputy Chief Officers (Corporate Directors). For the purposes of these rules, these posts are referred to as “Chief Officer Posts”. The current list of posts is set out at Appendix A but failure to include on this list a post that is at the same level will not exclude it from the provisions of these rules.

3. **Recruitment**

- 3.1. Where the Council proposes to recruit and appoint to a Chief Officer Post and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:
- 3.1.1. draw up a statement specifying:
- 3.1.1.1. the duties of the post concerned; and
 - 3.1.1.2. any qualifications or qualities to be sought in the person to be appointed;
 - 3.1.1.3. 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
 - 3.1.1.4. make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
- 3.1.2. The Head of Paid Service is responsible for keeping this list up to date in the light of changes to the Council’s organisational structure.

4. Staffing Committee

4.1. The Council has appointed a Staffing Committee (the Committee) to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Chief Officer Posts, where not restricted or prohibited by law. References to the Committee include a sub-committee of the Staffing Committee established by it to carry out its functions.

4.2. The Committee must include at least one Member of the Cabinet. Where the Committee is considering the appointment or the dismissal of any Officer (excluding the dismissal of a Statutory Officer – see below), the Committee must also include at least one member of an Overview and Scrutiny Committee.

4.2.4.3. The quorum for a meeting of Staffing Committee shall be four members.

5. Appointment of Chief Executive (Head of Paid Service)

5.1. The full Council will determine whether to approve the appointment of the Head of Paid Service following a recommendation by the Staffing Committee.

5.2. The Council may only make or approve a Head of Paid Service appointment, where no well-founded objection has been made by any member of the Cabinet (see Part 9).

6. Appointment to other Chief Officer Posts

6.1. The Staffing Committee has delegated authority to appoint all other Chief Officer Posts (as defined in 1.2-1.4), but an offer of employment shall only be made where no material or well-founded objection from a Member of Cabinet has been received (see part 9).

6.2. **Officers not covered by these Rules:** Other than statutory assistants to political groups, ~~and~~ acting or interim appointments and, all other appointments are the responsibility of the Chief Executive, as Head of Paid Service or their nominees, and may not be made by Councillors. ~~–(The~~

Council's General Scheme of Delegation sets out the delegation of these powers).

- 6.2.1. **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

Note: *The Council is not able to make any political assistant appointment until the Council has allocated posts to all political groups which qualify for one. The Council is required to consider the allocation of a political assistant to a political group in accordance with the relevant regulations. Non-qualifying groups are not allowed political assistants. More than one advisor per group is not permitted.*

- 6.2.2. Temporary (interim or acting) appointments. These rules will not apply where an appointment is required for a limited time to perform the duties of a Chief Officer (excluding the head of paid service) in the event of a vacancy or long-term absence (known as “interim, ~~or~~ acting or fixed term”).

- 6.2.3. The Chief Executive (Head of Paid Service) ~~has~~ delegated authority to make temporary appointments of all other Chief Officers (as defined in 1.2-1.4) in consultation with the Leader and relevant Cabinet member where the contracts are for one year or less.

- 6.2.4. Temporary appointments to Chief Officers (as defined in 1.2-1.4) that are new roles to the establishment and not previously set out in Part 11 – Management Structure or those that exceed one year, must be considered by Staffing Committee.

7. Disciplinary action against and dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (“the statutory officers”).

- 7.1. The Staffing Committee has power to decide whether to investigate any allegation of misconduct by a statutory officer, all matters relating to the conduct of the investigation and may suspend the statutory officer on full

- pay whilst any investigation and/or any subsequent disciplinary process takes place.
- 7.2. The Committee will consider the investigation report, any other evidence it considers relevant and the officer will have an opportunity to state their case.
- 7.3. The Committee will consider whether disciplinary action is needed and, if so, the appropriate sanction. Where the proposed sanction is less than dismissal, the Committee will instruct officers to implement any sanctions.
- 7.4. Where the Committee proposes dismissal:
- 7.4.1. a Statutory Officer Independent Panel (the Panel comprised of at least two persons appointed under s28(7) of the Localism Act 2011) which will receive its advice, views or recommendations.
- 7.4.2. The Panel will consider the dismissal and may give its advice, views or recommendations to Full Council;
- 7.4.3. The Panel must be established at least 20 working days before the full Council meeting.
- 7.4.4. Full Council will decide whether or not to approve the dismissal taking into account: the investigation and its conclusions; the Panel's advice, views and/or recommendations; and any representations by the relevant officer.

8. Disciplinary action against and dismissal of other Chief Officers ("non-statutory officers")

- 8.1. The Staffing Committee has power to decide whether to investigate any allegation of misconduct by a non-statutory Chief Officer, all matters relating to the conduct of the investigation and may suspend the statutory officer on full pay whilst any investigation and/or any determine any subsequent disciplinary process that takes place.
- 8.2. The Committee has power to impose any sanction up to and including dismissal, subject to Section 9 below.

- 8.3. Where required, the Committee will consider an appeal against a disciplinary sanction or dismissal of a non-statutory Chief officer as defined in these rules.

9. Cabinet Objections to Appointments or Dismissals

- 9.1. Where a committee makes the decision to appoint or dismiss a Chief Officer Post any Cabinet member has the right to object before an appointment is made or a notice of dismissal is given.
- 9.2. The Chief Executive will inform all Cabinet members about the proposed appointment or dismissal in writing. The Chief Executive will advise:
- 9.2.1. The name of the person who is the subject of the proposed appointment or dismissal
 - 9.2.2. Any other particulars relevant to the appointment or dismissal which the Panel has notified to the Chief Executive
 - 9.2.3. That objections must be received within five working days; and
 - 9.2.4. That any objections must be made to the Leader of the Cabinet.
- 9.3. The appointment or dismissal can only be made if:
- 9.3.1. There is no objection from the Members of the Cabinet within five working days; or
 - 9.3.2. An objection is received and considered by the Panel but is not considered to be material or well founded.

10. Organisational Restructuring

- 10.1. Responsibilities for restructuring are found in the Council's General Scheme of Delegation.
- 10.2. Restructuring within a single directorate is the responsibility of the relevant Director.

- 10.3. Restructuring involving more than one directorate in a material way (to be determined by the Director of Governance and Law) is the responsibility of the Chief Executive (Head of Paid Service)
- 10.4. Restructuring that affects all directorates in a material way (to be determined by the Director of Governance and Law) is the responsibility of Cabinet and Cabinet must also approve any changes to the senior management structure (see Cabinet Terms of Reference).

11. Annual Pay Policy Statement

- 11.1. Section 38 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the authority's policies relating to remuneration of chief officers and its lowest paid officers; and the relationship between the remuneration of its chief officers and that of its employees who are not chief officers.
- 11.2. The annual pay policy statement will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in-year.

APPENDIX A

Categorisation of Chief Officer graded posts for the purpose of these rules

Category	Post
Head of Paid Service (Staffing Committee make permanent and temporary appointments)	• Chief Executive (Head of Paid Service)
Statutory Chief Officers (Staffing Committee make permanent appointments. Head of Paid service makes temporary appointments)	• Strategic Director, Resources (Chief Finance Officer) • Corporate Director, Governance and Law (Monitoring Officer) • Strategic Director of Children's Services • Strategic Director of Adult Social Services • Corporate Director, Public Health
Non-statutory Chief Officers (Staffing Committee make permanent appointments. Head of Paid service makes temporary appointments)	• Strategic Director, Stronger Communities • Strategic Director, Neighbourhoods and Environment • Strategic Director, Place
Deputy Chief Officers (Staffing Committee make permanent appointments; Head of Paid service makes temporary appointments*)	• -Corporate Directors (tier two of the organisation)

Other Officers (Head of Paid Service (or their delegate) makes permanent and temporary appointments)	• <u>Corporate Directors (tier three of the organisation)</u> • <u>Assistant Directors</u> • and a <u>All other officers not named above</u>
---	---

*As defined in 6.2.2-6.2.4