

## **PART 8 - EMPLOYMENT RULES**

### **1. Recruitment and appointment**

#### **1.1 Declarations**

- (a) Candidates for appointment are required 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.
- (b) No candidate so related to a Councillor or an employee will be appointed without the authority of the relevant director or an employee nominated by him/her.

#### **1.2 Seeking support for appointment**

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. Candidates are informed of this in the recruitment information.

### **2. Recruitment of head of paid service and directors**

#### **2.1 Where the Council proposes to appoint a director and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:**

- (a) Draw up a statement specifying:
  - (i) the duties of the employee concerned;
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Send a copy of the statement mentioned in paragraph 2.1 (a) to any person on request.

### **3. Appointment and dismissal of, and disciplinary action against, staff**

#### **3.1 Subject to paragraphs 3.2 and 3.6, appointment and dismissal of, and disciplinary action against, a member of staff must be done by the Head of Paid Service or by an officer nominated by the Head of Paid Service.**

#### **3.2 Paragraph 3.1 shall not apply to appointment and dismissal of, or disciplinary action against:**

- (a) the Head of Paid Service;
  - (b) directors and their assistants
  - (c) assistants for political groups (appointment of an assistant to a political group will be made in accordance with the wishes of that political group).
- 3.3
- (1) Where a Committee is appointing or dismissing the Head of Paid Service, the Full Council must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.
  - (2) An offer of employment to an officer referred to in 3.2(a) or (b) may only be made where no well founded objection has been made by any member of the Cabinet.
  - (3) Where a Committee is appointing or dismissing an officer referred to in 3.2 (a) or (b), at least one member of the Cabinet must be a member of that Committee.

#### **4 Offer of employment**

- 4.1 An offer of an appointment referred to in 3.2(a) or (b) must not be made until:
- (a) the Head of Paid Service has been notified of the name of the person to whom it is desired to make the offer and any other particulars which the Committee considers are relevant to the appointment.
  - (b) the Head of Paid Service has notified every member of the Cabinet of:
    - (i) the name of the person to whom it is intended to make the offer;
    - (ii) any other particulars relevant to the appointment which the Committee has notified to the Head of Paid Service; and
    - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Head of Paid Service; and
  - (c) either:
    - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Committee that neither he nor any other member of the Cabinet has any objection to the making of the offer;
    - (ii) the Head of Paid Service has notified the Committee that no objection was received by him/her within that period from the Leader; or

- (iii) the Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4.2 Appointment of employees below assistant director (other than assistants to political groups and an assistant to the mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

## **5. Notice of dismissal**

5.1 Notice of the dismissal of an officer referred to in 3.2(b) must not be given until:

- (a) the Committee has notified the Head of Paid Service of the name of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal;
- (b) the Head of Paid Service has notified every member of the Cabinet of:
  - (i) the name of the person who the Committee wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the Committee has notified to the Head of Paid Service; and
  - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Paid Service; and
- (c) either:
  - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Committee that neither he or any other member of the Cabinet has any objection to the dismissal;
  - (ii) the Head of Paid Service has notified the Committee that no objection was received within that period from the Leader; or
  - (iii) the Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

## **6 Other disciplinary action**

6.1 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.

- 6.2 No other disciplinary action may be taken in respect of any of those employees except in accordance with a recommendation in a report by a designated independent person.
- 6.3 Councillors will not be involved in the disciplinary action against any employee below Head of Paid Service, except where such involvement is necessary for any investigation or inquiry into alleged misconduct.
- 6.4 Nothing in paragraph 3.1 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.
- 6.5 All employees have a right of appeal to the Employment Matters Committee against dismissal or summary dismissal.