

## **PART 8 - EMPLOYMENT RULES**

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

#### **1.1 Declarations**

- (a) 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.
- (b) 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**

- (a) 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.
- (b) No Councillor will seek support for any person for any appointment with the Council.

### **2. Recruitment, appointment and dismissal of Director of Public Health**

- 2.1 Where the Council proposes to recruit, appoint or dismiss the Director of Public Health the process will comply with the Council's employment rules, together with the requirements of the National Health Service Act 2006 and relevant statutory guidance.

### **3. Recruitment of Head of Paid Service and Chief Officers**

- 3.1 Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authority (Standing Orders) Regulations 1993) 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 for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 3.2 Where a post has been advertised as provided in Rule 3.1(b), the authority shall:
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
- 3.3 Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 3.1(b).
- 3.4 The steps to be taken under paragraphs 3.1 – 3.3 may be taken by a committee, sub-committee or chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) of the Council.
- 3.5 Every appointment of a person to a paid office or employment should be on merit, as set out in Section 7 of the Local Government and Housing Act 1989.
- 4. Appointment and dismissal of, and disciplinary action against, staff
- 4.1 Subject to paragraphs 4.2 and 4.14, 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.
- 4.2 Paragraph 4.1 shall not apply to appointment or dismissal of, or disciplinary action against:
  - (a) the officer designated as the Head of the authority's Paid Service;
  - (b) a statutory chief officer within the meaning of section 2 (6) of the Local Government and Housing Act 1989;
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989;
  - (d) a deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989; or
  - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

A person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a non-statutory chief officer or a deputy chief officer.

### Appointment of Head of Paid Service

- 4.3 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the Head of Paid Service, the Full Council must approve that appointment before an offer of appointment is made to that person. That committee or sub-committee must include at least one Member of the Cabinet.
- 4.4 The Full Council may only make or approve the appointment of the Head of Paid Service where no material or well-founded objection has been made by any member of the Cabinet in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001.

### Other Appointments

- 4.5 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment of any officer referred to in 4.2 (a), (b), (c) or (d), at least one member of the Cabinet must be a member of that committee or sub-committee.
- 4.6 An offer of employment to any officer referred to in sub paragraphs (b) (c) or (d) of paragraph 4.2 shall only be made where no material or well-founded objection from any member of the Cabinet has been received in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001.
- 4.7 Appointment of an assistant to a political group pursuant to Section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group.

### Disciplinary Action and Dismissal

- 4.8 The Employment Matters Committee may suspend the Head of Paid Service, Monitoring Officer and S.151 Officer whilst an investigation takes place into alleged misconduct. Before deciding to suspend the Committee shall invite the officer to make representations unless it is impracticable to do so. That suspension will be on full pay and last no longer than two months. The Committee shall continue to review any continuing suspension every two months. In carrying out such review the Committee shall consider any representations made by the officer.
- 4.9 In cases of urgency the Head of the Paid Service may suspend the S.151 Officer or the Monitoring Officer, following consultation with the Chairperson of the Employment Matters Committee and the Opposition Spokesperson, where practicable whilst an investigation take place into alleged misconduct. The Head of the Paid Service shall, before deciding to suspend, invite the officer to make representations unless it is impractical to do so. The Employment Matters Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original

decision to suspend. **Note:** The Council has agreed that if there was an urgent need to suspend the Head of the Paid Service, a meeting of the Employment Matters Committee should be convened as soon as practically possible for that purpose (minute no. 435(i)/2018 refers).

- 4.10 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the Head of Paid Service, as the authority's S.151 Officer, or as the authority's Monitoring Officer, the Full Council must approve that dismissal before notice is given to that person.
- 4.11 The Head of Paid Service, Monitoring Officer and S.151 Officer may not be dismissed by the Council unless in accordance with the requirements of the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015:
- (a) At least 20 days before the relevant Council meeting a Panel has been established for the purpose of advising on matters relating to the dismissal and independent persons appointed under Section 28 (7) of the Localism Act 2011 have been invited to be appointed to the Panel and
  - (b) Any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer have been taken into account before the taking of the vote on whether or not to approve such a dismissal.
- 4.12 Subject to paragraph 4.9, where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of dismissal of any officer referred to in paragraph 4.2 (d), at least one member of the Cabinet must be a member of that committee or sub-committee.
- 4.13 A notice of dismissal to any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 4.2 shall only be made where no material or well-founded objection from any member of the Cabinet has been received in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001.
- 4.14 Councillors will not be involved in the disciplinary action (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) against any employee below Head of Paid Service, Monitoring Officer and S.151 Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although 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.
- 4.15 Nothing in paragraph 4.1 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.
- 4.16 All employees (with the exception of the Head of Paid Service, Monitoring Officer and S.151 Officer) have a right of appeal to the Sub-Committee of the Employment Matters Committee against dismissal or summary dismissal.
- 4.17 The Head of Paid Service, Monitoring Officer and S.151 Officer have a right of appeal to the Disciplinary Appeals Committee against any decisions made by the Employment Matters Committee to take disciplinary action short of dismissal.

Reference:

Local Authorities (Standing Orders)(England) Regulations 1993  
Local Authorities (Standing Orders)(England) Regulations 2001  
Local Authorities (Standing Orders)(England) Regulations 2015  
Local Government and Housing Act 1989  
National Health Service Act 2006

