

Part 3.4 - Officer Employment Rules of Procedure

These Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.

This section should be read in conjunction with the Scheme of Officer Delegations at Part 2.7 of this Constitution.

In this section, the term "Chief Officer" shall have the meaning set out in section 2 of the Local Government and Housing Act 1989, namely:

- a. a statutory Chief Officer (ie the Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989 and the Chief Finance Officer in accordance with section 73 of the Local Government Act 1985); or
- b. non-statutory Chief Officer.

In accordance with section 2(7) of the 1989 Act, the Authority's non-statutory Chief Officers are: -

- a. any person for whom the Head of Paid Service is directly responsible;
- b. any person who, as respects all or most of the duties of their post, is required to report directly, or is directly accountable to the Head of Paid Service; and
- c. any person who, as respects all or most of the duties of their post, is required to report directly, or is directly accountable to Cabinet.

(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.)

1. General

- 1.1 The functions of appointment and taking disciplinary action against (including dismissal) Chief Officers must be discharged by the Cabinet.
- 1.2 Subject to paragraph 4 below, the functions of appointment and taking disciplinary action (including dismissal) against officers who are not Chief Officers must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

2. Recruitment

- 2.1 The Authority 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 Member or officer, or of the partner of such persons.
- 2.2 No candidate so related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by them.
- 2.3 The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- 2.4 No Member will seek support for any person for any appointment with the Authority.
- 2.5 Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

- 2.6 Where the Cabinet determines to appoint a Chief Officer the Cabinet will draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed.
- 2.7 If it is not proposed that the appointment be made exclusively from among existing officers of the constituent councils, the Cabinet will:
- a) 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
 - b) make arrangements for a copy of the written statement mentioned above to be sent to any person on request.
- 2.8 The recruitment and appointment of any officer other than a Chief Officer is a matter for the Head of Paid Service.

3. Appointment of Chief Officers

- 3.1 The Cabinet will approve the appointment of the Head of Paid Service. The Cabinet may establish a panel of the Cabinet to consider applications and interview candidates, which panel shall then make a recommendation to Cabinet as to the appointment of the Head of Paid Service.
- 3.2 The Cabinet (or a panel of the Cabinet established by the Cabinet for this purpose) will appoint any other Chief Officer. An offer of employment as a Chief Officer shall only be made after all members of the Cabinet (or, in their absence, the relevant substitute member) have been consulted.

4. Disciplinary Action including dismissal

- 4.1 Members will not be involved in disciplinary action (including dismissal) against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.
- 4.2 No disciplinary action may be taken in respect of the Head of Paid Service, the Chief Finance Officer or Monitoring Officer except in accordance with the processes described in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).