

Officer Employment Procedure Rules

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Officer Employment Procedure Rules

Rule No. 1 - Recruitment And Appointment

- 1.1 When a vacancy occurs in any existing Director/First Tier post the Council shall obtain the views of the Cabinet and, in the case of a post which the Council are not required by statute to fill, decide whether the post is necessary, what shall be the terms and conditions of the post. No steps shall be taken to fill the post until these decisions have been taken.
- 1.2 (a) Declarations
- (i) 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.
 - (ii) An applicant failing to declare any known relationship shall be disqualified from the process and if appointed shall make him/herself liable for dismissal.
 - (iii) 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.
- (b) Seeking support for appointment
- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for appointment with the Council. The content of this paragraph will be included in any recruitment information.
 - (ii) No Councillor will seek support for any person for any appointment with the Council.
 - (iii) A Member shall not favour an applicant other than to the extent, if requested, of providing a written reference as to the applicant's competence or character.

Rule No. 2 - Recruitment Of Head Of Paid Service And Directors

- 2.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment will 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 it is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Rule No. 3 - Appointment Of Head Of Paid Service

- 3.1 The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by an appointments sub-committee of the Council. That appointments sub-committee must include at least one member of the Cabinet.

Rule No. 4 - Appointment Of Directors And Heads Of Service

- 4.1 (a) An appointments sub-committee of the Council will appoint Directors and Heads of Service. That sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as the Head of Paid Service, a Director or Head of Service shall only be made where no well-founded objection from any member of the cabinet has been received in accordance with paragraph 5(2) of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Rule No. 5 - Other Appointments

- 5.1 (a) **Officers below Heads of Service**
Appointment of officers below Heads of Services (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups**
Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- (c) **Establishment**
The Council shall, after consultation with the Cabinet, determine the establishment of every department of the Council. No new post shall be created, nor any person be employed in addition to a department's establishment, except with the agreement of the Cabinet or for a temporary period (no longer than 12 months) by agreement of the Head of Paid Service in consultation with the Leader of the Council.
- (d) **Vacancies**
- i All vacancies (not being filled by promotion or transfer) shall be publicly advertised, except where the Head of the Paid Service otherwise determines, and shall abide by the Council's Equal Opportunities Policy.
 - ii All vacancies to be filled in a post of Senior Officer, which is not to be filled by promotion or transfer, shall be advertised in one or more Newspapers or Journals circulating primarily among persons who may be expected to possess the necessary qualifications of the post.
 - iii Whenever a vacancy in any post shall occur the Director, in consultation with the Cabinet Portfolio holder, having responsibility for the department in which such vacancy shall occur, may if he/she thinks fit, temporarily appoint a person from his/her existing establishment to carry out the duties of the post until a successor is appointed; the Head of the Paid Service shall be authorised to determine the remuneration or honorarium to be paid to such person for the period.

Rule No. 6 - Disciplinary Action

6.1 (a) Suspension

The Head of Paid Service, Monitoring Officer, Chief Finance Officer or any employee may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and normally last no longer than two months.

(b) Procedure

(i) In the following paragraphs:

- a) the 2011 Act means the Localism Act 2011;
- b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

(ii) A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

(iii) The Council must convene the Statutory Officers Disciplinary Panel and must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

(iv) In paragraph (iii), “relevant Independent Person” means any Independent Person who has been appointed in accordance with Section 28(7) of the Localism Act 2011.

¹(v) The Council must appoint to the Panel at least two such relevant Independent Persons who have accepted an invitation issued in

¹ In the event of any potential dismissal impacting upon both the Council and High Peak Borough Council then the Panel will consist of at least two relevant Independent Persons from each Council.

accordance with paragraph (iii) in accordance with the following priority order:

- (a) a relevant Independent Person who has been appointed by the Council and who lives within the Council's area
 - (b) any other relevant Independent Person who has been appointed by the Council but lives outside the authority's area
 - (c) a relevant Independent Person who has been appointed by another authority or authorities
- (vi) The Council must appoint any Panel at least 20 working days before the relevant meeting.
- (vii) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal (which decision must be made by the Council itself), the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigations into the proposed dismissal; and
 - (c) any representations from the officer subject to the disciplinary proceedings.

Rule No. 7 - Dismissal

7.1 Dismissal of officers below Head of Paid Service, Chief Finance Officer or Monitoring Officer shall be the responsibility of the Head of Paid Service or his/her nominee. Councillors will not be involved in the dismissal of any officer below Head of Paid Service, Chief Finance Officer or Monitoring Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where 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 such dismissals or in accordance with Rule 7.2 below.

7.2 A notice of dismissal of the Head of Paid Service, a Director or Head of Service shall only be given where no well-founded objection from any Member of the Cabinet has been received in accordance with paragraph 6(2) of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.