PART 6 – PROCEDURE RULES (OTHER)
(SECTION 7 – OFFICER EMPLOYMENT)
Part 6 is set out in eight sections as follows:

Section 1  Decision Notices
Section 2  Scrutiny
Section 3  Budget and Policy Framework
Section 4  Access to Information
Section 5  Financial Rules
Section 6  Standing Orders – Purchasing, Procurement, Contracts and Disposals
Section 7  Officer Employment
Section 8  Corporate Complaints
OFFICER EMPLOYMENT PROCEDURE RULES

1.0 INTRODUCTION

1.1 Definitions

a) In these Rules:

<table>
<thead>
<tr>
<th>This reference</th>
<th>Means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legislation</td>
<td>The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.</td>
</tr>
<tr>
<td>Appointer</td>
<td>The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the Council</td>
</tr>
<tr>
<td>Disciplinary Action</td>
<td>Any action occasioned by alleged misconduct which, if proven, would according to the Council's usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.</td>
</tr>
<tr>
<td>Dismissor</td>
<td>The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the Council</td>
</tr>
<tr>
<td>Head of Paid Service</td>
<td>The officer designated under Section 4(1) of the Local Government and Housing Act 1989.</td>
</tr>
<tr>
<td>Section 151 Officer</td>
<td>The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs.</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>The officer designated under Section 5(1) of the Local Government and Housing Act 1989.</td>
</tr>
<tr>
<td>Directors</td>
<td>Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.</td>
</tr>
<tr>
<td>Group Head</td>
<td>An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.</td>
</tr>
<tr>
<td>Statutory Officers’ Investigatory and Disciplinary Committee</td>
<td>The Committee established by the Council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the Constitution at Part 3 (Responsibility for Functions), paragraph 10.0</td>
</tr>
</tbody>
</table>
1.2 Posts
a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

<table>
<thead>
<tr>
<th>Definition</th>
<th>Relevant Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Paid Service</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Section 151 Officer</td>
<td>Group Head of Corporate Support</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>Group Head of Council Advice and Monitoring Officer</td>
</tr>
<tr>
<td>Director</td>
<td>Director of Place</td>
</tr>
<tr>
<td>Group Head</td>
<td>Director of Services</td>
</tr>
<tr>
<td>Group Head of:</td>
<td></td>
</tr>
<tr>
<td>Corporate Support</td>
<td></td>
</tr>
<tr>
<td>Council Advice</td>
<td></td>
</tr>
<tr>
<td>Policy</td>
<td></td>
</tr>
<tr>
<td>Residential Services</td>
<td></td>
</tr>
<tr>
<td>Neighbourhoods</td>
<td></td>
</tr>
<tr>
<td>Community Safety</td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td></td>
</tr>
<tr>
<td>Technical Services</td>
<td></td>
</tr>
<tr>
<td>Economy</td>
<td></td>
</tr>
</tbody>
</table>

1.3 Confidentiality
a) The Council and any relevant Committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.

b) This Rule recognises that it will still be for the Council and any relevant Committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this Constitution.

2.0 RECRUITMENT AND APPOINTMENT

2.1 Declarations
a) A candidate for any employment with the Council, or a staff member involved in a transfer, promotion or disciplinary matter, shall disclose whether they are related to or cohabit with any Councillor or other officer who may have an influence on the decision. Failure to make such a disclosure may result in any appointment being rescinded and, in the case of an employee, disciplinary action.
b) The requirements of the Members’ Code of Conduct and Member/Officer Relations Protocol set out at Part 8 of this Constitution shall apply to the appointment, transfer, promotion, discipline and other matters relating to staff.

2.2 Support for Appointments
a) Subject to paragraph c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. The content of this paragraph will be included in any recruitment information.

b) Subject to paragraph c) no Councillor will seek support for any person for any appointment within the Council.

c) Nothing in paragraphs a) and b) will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2.3 Recruitment of the Head of Paid Service
a) The Head of Paid Service is the Council’s Chief Executive and is a statutory post.

b) Where the Council proposes to appoint the Head of Paid Service, the Chief Executive’s Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3, Responsibility for Functions.

2.4 Recruitment of Directors
a) Where the Council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a report to the Full Council to agree the processes to be followed leading to their recruitment and selection.

b) Once the processes have been agreed, the Head of Paid Service or their nominee will:
   i. Draw up a statement specifying:
      a) the duties of the officer concerned; and
      b) any qualifications or qualities to be sought in the person to be appointed.
   ii. 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
   iii. Send a copy of the statement mentioned in paragraph a) above to any person on request.

c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
i. agreeing an interview panel;
ii. selecting a shortlist of such qualified applicants;
iii. interviewing all those included on the shortlist; and
iv. if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph 2.4(a).

2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads

a) Where the Council proposes to appoint a Section 151 Officer, Monitoring Officer or Group Head and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service or their nominee will:

i. Draw up a statement specifying:
   a) the duties of the officer concerned; and
   b) any qualifications or qualities to be sought in the person to be appointed.

ii. 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

iii. Send a copy of the statement mentioned in paragraph a) above to any person on request.

b) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:

i. agreeing an interview panel;

ii. selecting a shortlist of such qualified applicants;

iii. interviewing all those included on the shortlist; and

iv. if no qualified person has applied, making further arrangements for advertisement in accordance with paragraph 2.4(a).

2.6 Consultation Procedure for Appointments

a) An offer of appointment as a Director, Section 151 Officer, Monitoring Officer or Group Head must not be made by the appointer until:

i. the appointer has notified the Chief Executive or their nominee of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment, including evidence and reasons for the choice of preferred candidate.

b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
i. the name of the person to whom the appointer wishes to make the offer; and the reasons why they are the appointer’s preferred candidate, including evidence;

ii. any other particulars relevant to the appointment which the appointer has notified to the Chief Executive or their nominee; 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 Chief Executive or their nominee; and

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the making of the offer; or

ii. the Chief Executive or their nominee has notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

2.7 Authority to Appoint

a) The Head of Paid Service – the Full Council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive’s Recruitment and Selection Panel as confirmed in Article 4 (Functions of Full Council).

b) Directors – the Full Council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service.

c) Section 151 Officer, Monitoring Officer and Group Heads – subject to the consultation at paragraph 2.5, the Head of Paid Service, or their nominee, will be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head.

d) Other Employees – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s recruitment procedures.

3.0 DISCIPLINARY ACTION

3.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

a) The Statutory Officers’ Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):
i. Head of Paid Service
ii. Director of Place
iii. Director of Services
iv. Section 151 Officer
v. Monitoring Officer

b) The Leader of the Council, in consultation with the Human Resources Manager, may agree the immediate suspension of the Chief Executive in an emergency.

3.2 Other Employees
a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS

4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer
a) Where the recommendation of the Statutory Officers’ Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers’ Investigatory and Disciplinary Panel, is for dismissal then the Full Council will be required to approve the dismissal as confirmed in Article 4 (Functions of the Full Council).

4.2 Group Heads
a) Subject to the consultation at paragraph 4.4, the dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.3 Other Employees
a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s disciplinary procedures, and may not be made by Councillors.

4.4 Consultation Procedure for Dismissals
a) Notice of dismissal of a Group Head must not be given by the dismissor until:

i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.

b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:
i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; 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 Chief Executive or their nominee; and

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or

ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

5.0 DISMISSAL FOR ANY OTHER REASON

5.1 Head of Paid Service

a) The Full Council will be responsible for confirming the dismissal of the Head of Paid Service for any other employment reason.

5.2 Directors, Section 151 Officer, Monitoring Officer Group Heads

a) Subject to the consultation at paragraph 5.4, the dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s procedures, and may not be made by Councillors.

5.3 Other Employees

a) The dismissal of all other employees for any other employment reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s procedures, and may not be made by Councillors.

5.4 Consultation Procedure for Dismissals

a) Notice of dismissal of a Director, Section 151 Officer, Monitoring Officer or Group Head must not be given by the dismissor until:

i. The dismissor has notified the Chief Executive or their nominee of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal.
b) The Chief Executive or their nominee has notified every member of the Cabinet of the Council of:

i. the name of the person whom the dismissor wishes to dismiss and the reasons for the decision;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the Chief Executive or their nominee; 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 Chief Executive or their nominee; and

c) Either:

i. the Leader has, within the period specified in the notice under b) iii, notified the Chief Executive or their nominee that neither they or any other member of the Cabinet has any objection to the dismissal; or

ii. the Chief Executive or their nominee as notified the appointer that no objection was received by them within that period from the Leader; or

iii. the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

6.0 APPEALS

6.1 The Head of Paid Service, Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the Council.

6.2 A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a Panel set up specifically for the purpose by the Group Head of Corporate Support or their nominee, where they feel that the outcome of a decision on any other employment matter is wrong or unjust.

6.3 Any other employee who feels that the outcome of disciplinary action or a decision on an employment matter is wrong or unjust may appeal in accordance with the Council’s procedures to the Head of Paid Service or their nominee. Their final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the Constitution at Part 3 (Responsibility for Functions).

7.0 SETTLEMENT AGREEMENTS

7.1 The Head of Paid Service or Group Head of Corporate Support will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this Constitution.
8.0 SUPPLEMENTARY PROVISIONS

8.1 In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Corporate Support.