

## **EMPLOYMENT PROCEDURE RULES**

### **1. Recruitment and Appointment**

#### (a) Declarations

- (i) Any candidate who is a relative of a Councillor or senior manager should declare this on the application form. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.
- (ii) No candidate so related to a Councillor or senior manager will be appointed without the authority of the Chief Executive, Deputy Chief Executive or relevant Head of Service or an employee nominated by them.

#### (b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This will be mentioned on the application form.
- (ii) No Councillor shall solicit for any person any appointment under the Council.

Please note: Members should not provide references in support of applications for employment by the authority unless they are doing so in their capacity as the applicant's current line manager.

### **2. Recruitment of Chief Executive (Head of Paid Service) Deputy Chief Executive or Heads of Service**

- (1) Where the Council proposes to appoint a Chief Executive (Head of Paid Service), Deputy Chief Executive or Head of Service, the Council will draw up a candidate specification setting out:
  - (i) The duties of the employee concerned; and
  - (ii) any knowledge, skills and qualifications to be sought in the candidate to be appointed

Where it is not proposed to make such an appointment exclusively from among the Council's existing employees it 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 a copy of the statement mentioned in paragraph (1) available to the public.

These steps will be taken by the Chief Executive (Head of Paid Service or the Deputy Chief Executive on behalf of the Appointments and Investigating Committee.

- (2) Where a post has been advertised as provided in paragraph (1)(a) above, the Appointments and Investigating Committee will interview a shortlist of suitably qualified applicants for the post. The selection of the short list may be undertaken by senior managers on behalf of the Appointments and Investigating Committee.
- (3) Where no qualified person has applied, senior managers will make further arrangements for advertisement in accordance with paragraph (1)(a) above.

### **3. Appointment of Chief Executive (Head of Paid Service)**

The Full Council will approve the appointment of the Chief Executive (Head of Paid Service) following the recommendation of the panel of the Appointments and Investigating Committee of the Council such a panel to include at least one Member of the Cabinet.

The Full Council may only make or approve the appointment of the Chief Executive (Head of Paid Service) where no well-founded objection has been made by any Member of the Cabinet and in compliance with current employment legislation.

Note 4(2) below also applies to the appointment of a Chief Executive.

### **4. Appointment of the Deputy Chief Executive and Heads of Service**

- (1) A panel from the Appointments and Investigating Committee, which includes at least one Member of the Cabinet will appoint the Deputy Chief Executive and Heads of Service and any offer will be in compliance with current employment legislation.
- (2) An offer of appointment as a Chief Executive, Deputy Chief Executive or a Head of Service must not be made until:
  - (i) The Head of Legal, Democracy and HR has been notified of the name of the person to whom the offer is to be made and of any other particulars which are considered to be relevant to the appointment;
  - (ii) The Head of Legal, Democracy and HR has then notified every Member of the Cabinet and has indicated the period within which any objection to the making of the offer is to be made to them by the Leader on behalf of the Cabinet; and
  - (iii) Either
    - (a) The Leader has, within the period specified, notified the Appointments and Investigating Committee that neither they nor any other Member of the Cabinet has any objection to the making of the offer; or
    - (b) The Head of Legal, Democracy and HR has informed the Appointments and Investigating Committee that no objection was received by them within that period from the Leader; or
    - (c) The Appointments and Investigating Committee is satisfied that any objection received from the Leader within that period is not material or is not well founded.

## 5. Other Appointments

**Employees below Head of Service.** Appointment of employees below Head of Service is the responsibility of the Chief Executive, Deputy Chief Executive or relevant Head of Service or their nominee and may not be made by Councillors.

## 6. Disciplinary Action

(a) Suspension. **The Chief Executive (Head of the Paid Service), the Monitoring Officer (Head of Legal, Democracy and HR) and the Chief Finance Officer (Head of Corporate Finance)** may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should terminate no later than the expiry of two months; beginning on the day on which the suspension takes effect. In exceptional circumstances this may be extended. In respect of those persons this action should be taken by the Leader of the Council or the Appointments and Investigating Committee

(b) **For a non-statutory Chief Officer (Deputy Chief Executive or Head of Service)** then this action will be taken by the Chief Executive (Head of Paid Service) under delegated powers.

(c) Disciplinary investigation. **For the Chief Executive (Head of the Paid Service), the Monitoring Officer (Head of Legal, Democracy and HR) and the Chief Finance Officer (Head of Corporate Finance)** the investigation will be undertaken by a panel of the Appointments and Investigating Committee as set out in Function 4 of the Appointments and Investigating Committee. The panel may appoint a suitably independent person to undertake this on their behalf.

**For a non-statutory Chief Officer (Deputy Chief Executive or Head of Service)** this will be undertaken by the Chief Executive or Deputy Chief Executive as appropriate.

(d) Disciplinary Hearing. Where the preliminary investigation determines that there is a potential case to answer the matter will be referred to a panel of the Appointments and Investigating Committee as set out in Function 4 of the Appointments and Investigating Committee.

In the case of statutory Chief Officers then this will be a new panel of the Appointments and Investigating Committee. The panel will decide whether the case is proven and if so consider the level of sanction in line with the disciplinary procedure for Chief Officers.

(e) Councillors will not be involved in the disciplinary action against any employee below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct. 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 a decision to dismiss.

## 7. Dismissal

(1) Councillors will not be involved in the dismissal of any employee below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct. 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.

**(2) Notice of dismissal of a non-statutory Chief Officer (Deputy Chief Executive or a Head of Service) must not be made until:**

- (i) The Head of Legal, Democracy and HR has been notified of the name of the person who the Committee wishes to dismiss and of any other particulars which are considered to be relevant to the dismissal; and
- (ii) The Head of Legal, Democracy and HR has then notified every Member of the Cabinet and has indicated the period within which any objection to the dismissal is to be made to them by the Leader on behalf of the Cabinet; and
- (iii) Either
  - (a) The Leader has within the period specified, notified the Committee that neither they nor any other Member of the Cabinet has any objection to the dismissal; or
  - (b) The Head of Legal, Democracy and HR has notified the Committee that no objection was received by them within that period from the Leader; or
  - (c) The Committee is satisfied that any objection received from the Leader within that period is not material or is not well founded.

**8. Dismissal of a Statutory Chief Officer (Head of Paid Service, the Monitoring Officer and the Chief Finance Officer)**

In the case of a recommendation for dismissal of the Head of Paid Service (Chief Executive), the Monitoring Officer (Head of Legal, Democracy and HR) or the Chief Finance Officer (Head of Corporate Finance), a panel of at least two independent persons will be appointed to advise the Council on matters relating to the dismissal of the relevant officers. The Council must take into account any advice, views or recommendations of the Independent Panel before taking a vote on whether or not to approve such a dismissal.

- 9.** In the event that the panel of the Appointments and Investigating Committee's recommendation was that dismissal was appropriate, then the matter would go forward to a full meeting of Council where a decision to approve the dismissal would be taken. The decision would be made having taken into account the conclusions of the Appointments and Investigating Committee, any advice, views or recommendations of the Independent Panel and any representations from the officer concerned.

**10. Right of Appeal**

In the case of Head of Paid Service (Chief Executive), the Monitoring Officer (Head of Legal, Democracy and HR) and the Chief Finance Officer (Head of Corporate Finance) then the hearing at full Council will act as an appeal against the decision to dismiss. In the case of the Deputy Chief Executive and other Heads of Service then any appeal will be heard by the Staff Appeals Board.