

Current Part 4.7 Officer Employment Procedure Rules

1. Recruitment and Appointment

(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 Members or officer of the Council; or of the partner of such persons, or are otherwise known to them in any capacity. Anyone who fails to do this may be disqualified or, if appointed, liable to instant dismissal on the grounds of gross misconduct. All candidates will be made aware of these rules by the Assistant Director (Organisational Development and Human Resources).
- (ii) No candidate so related to a Member 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 Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Members will seek support for any person for any appointment with the Council. Members should not provide references in support of applications for employment by the Council.

(c) Selection and Appointment Process

- (i) Any Member or Officer who may be involved in the Selection or Appointment process shall immediately declare any relationship to a candidate as soon as it becomes known to them and shall not take part in the selection/appointment process of any candidates for the post to which the candidate to whom they are related has applied.
- (ii) Where relationship to a Member or Officer or to an applicant is disclosed the provisions of the Constitution on 'interests in contract and other matters' shall apply.

2. Recruitment of Head of Paid Service and Designated Posts

1. Where the Council proposes to make an appointment to the designated posts listed in table 1 and it is not proposed that the appointment be made exclusively from among their existing Officers, the Chief Executive and/or the Assistant Director (Organisational Development and Human Resources) 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.
 - (iii) The terms and conditions within which any appointment may be made.
 - (b) Make arrangements for the post to be advertised in the appropriate media in order to bring it to the attention of persons who are likely to meet the experience, qualifications, knowledge and competency requirements of the post.
 - (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
2. Where a post has been advertised as provided in 1(b) above; for the post of Chief Executive the Appointments Sub-Committee shall select a shortlist of such qualified applicants and interview those included on the shortlist and for the post(s) of Director, the Chief Executive shall select a shortlist of such qualified applicants and the Appointments Panel interview those included on the shortlist.

[Applicants with a disability who meet the essential requirements of the Person Specification will be interviewed].
3. Where no suitable person has applied, the Chief Executive and/or the Assistant Director (Organisational Development and Human Resources) shall make further arrangements for advertisement in accordance with 1(b) above.
4. In the case of any appointment to the Chief Executive (Head of Paid Service) position the statement referred to in paragraph 1 above shall be approved by the Council.
5. Terms and conditions of employment for Director posts shown in Table 1 shall be determined by the Employment and Appeals Committee before or on any appointment being made.
6. The Chief Executive (Head of Paid Service) is authorised to make interim arrangements for posts listed in Table 1 pending permanent recruitment.

3. **Appointment of Chief Executive (Head of Paid Service)/Director and Deputies**

See attached procedure for appointment of Directors and Deputies.

4. **Other Appointments**

- (a) **Officers other than designated posts.** Appointment of officers other than designated posts (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 Members.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the Council's recruitment procedures.
- (c) The authority has determined that appointments be made to the posts of political assistant in accordance with the following:-
 - (i) no appointment to any post allocated to a political group will be made until the authority has allocated a post to each of the political groups which qualify for one;
 - (ii) no post will be allocated to a political group which does not qualify for one; and
 - (iii) not more than one post will be allocated to any one political group.

5 **Disciplinary Action**

5.1 There is a disciplinary policy and procedure for the Chief Executive (Head of Paid Service), the Assistant Director (Finance & Audit) (Section 151 Officer) and the Assistant Director (Procurement & Commercial Services) (Monitoring Officer). There is a separate disciplinary policy for Directors and other posts employed under JNC Chief Officer Conditions. Both policies and procedures specify the arrangements for disciplinary action and dismissal in accordance with the Local Authorities (Standing Orders) (England) Regulation 2001 ("the Regulations") amended by Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

5.2 **Table 1**

The following posts are designated for the purpose of the Officer Employment Procedure Rules.

Chief Executive
Strategic Director of Well-Being
Strategic Director of Regeneration, Housing and Resources
Strategic Director of Customer and Community Services

APPOINTMENT OF DIRECTORS & ASSISTANT DIRECTORS

This process has been established to comply with the Local Authorities (Standing Orders)(England) Regulations 2001.

1. **Definitions**

2. **The following definitions (save for Proper Officer) are statutory definitions:-**

“Member of Staff” means a person appointed to or holding a paid office or employment under the authority except for the appointment of a Statutory Chief Officer, Non-Statutory Chief Officer or Deputy Chief Officer.

“Proper Officer” means the Assistant Director (Organisational Development and Human Resources) or such other person appointed by the authority for the purposes of the following provisions.

“Statutory Chief Officer” means the Chief Education Officer or the Director of Education appointed under Section 532 of the Education Act 1996; the Director of Social Services appointed under Section 6 of the Local Authority Social Services Act 1970; an Officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985, Section 112 of the Local Government Finance Act 1988.

“Non-Statutory Chief Officer” means:-

(a) A person for whom the Head of Paid Service is directly responsible;

(b) A person who reports in respect of all or most duties to the Head of Paid Service except for the Head of Paid Service’s personal assistant and administrative officers;

(c) Any person who as respects all or most duties of their employment with the Council is required to report directly, or is directly accountable to the Council or to any Committee or Sub-Committee of the Council.

“Deputy Chief Officer” means a person (save for administrative personnel) who as respects all or most of the duties of the post is required to report directly or is directly accountable to one or more Statutory or Non-Statutory Chief Officers (this includes Assistant Directors or Heads of Service who report directly to Directors).

3. The function of the appointment of a Member of Staff of the Council must be discharged on behalf of the Council by the Chief Executive as the Head of Paid Services or by an Officer nominated by her. The Chief Executive has delegated the appointments of staff generally to Directors in their Directorate or sections. All such appointments will be carried out in accordance with the Council’s Human Resources policies and procedures.

4. Paragraph 3 shall not apply to the appointment of:-
 - (a) The Head of Paid Service
 - (b) A Statutory Chief Officer
 - (c) A Non-Statutory Chief Officer
 - (d) A Deputy Chief Officer, or
 - (e) An Assistant for Political Groups.

5. The Employment and Appeals Committee shall discharge, on behalf of the authority, the function of the appointment of the posts listed in Table 1 of the Officers Employment Procedure Rules:-

Head of Paid Service

For appointment to the post of Chief Executive an **Appointments Sub Committee** will be appointed as required by the Employment and Appeals Committee comprising five Members, in accordance with the political balance of the Council, and all five members are voting members of the Sub Committee. These Members, subject to availability, to comprise the Leaders of the political groups, or their nominees who must have had appropriate training in recruitment and selection activities. Where possible, but not as a requirement, these nominations should be drawn from Members serving on the Employment and Appeals Committee. The Appointments Sub Committee will be supported by the Assistant Director (Organisational Development and Human Resources) and, where appropriate, an external adviser. The Council must approve the appointment of the Chief Executive (Head of Paid Service) before an offer of appointment is made.

Directors

For the appointment of Directors an **Appointments Panel** will be established by the Head of Democratic Services to comprise 5 Members appointed on a politically proportionate basis supported by the Chief Executive, Assistant Director (Assistant Director (Organisational Development and Human Resources) and, where appropriate, an external adviser. All five members of the Panel to be voting members and the composition of the Panel to be determined by Group Leaders, subject to availability, but to consist of a member from the Executive, preferably the relevant Commissioner and four other Members, all of whom must have undertaken recruitment and selection training, again preferably but not essentially drawn from the Employment and Appeals Committee. The Panel will recommend an appointment to the Chief Executive who shall be the appointer for the purpose of this procedure. In accordance with the legislation the views of the Executive will be sought prior to confirmation of an appointment. The Appointments Panel will be formed on an ad-hoc basis using the criteria identified above. The preliminary stages of long listing and short listing is delegated to the Chief Executive in conjunction with an external adviser.

Assistant Directors

6. The interview process for the appointments of all Assistant Directors (Deputy Chief Officers) shall be carried out by the Chief Executive (or his/her nominated deputy for that purpose) together with the Director or an Assistant Director for the relevant service and the Assistant Director (Organisational Development and Human Resources) or his/her nominee. One member of the Executive, preferably the relevant Commissioner, may be invited to attend the interview panel as an observer. The **officer panel** will recommend an appointment to the Chief Executive who shall be the "Appointer" for the purpose of this procedure. In accordance with the legislation the views of the Executive will be sought prior to confirmation of an appointment.
7. In this paragraph "Appointer" means the Chief Executive who shall discharge the function of the appointment of Directors and Deputies on behalf of the Council.

An offer of appointment as Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer or Deputy Chief Officer must not be made by the Appointer until:-

- (a) The Appointer has notified the Proper Officer of the name of the person to whom the Appointer wishes to make the offer of appointment and any other particulars which the Appointer considers are relevant to the appointment;
- (b) The Proper Officer has notified every Member of the Executive of the authority of:-
 - (i) the name of the person to whom the Appointer wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the Appointer has notified to the Proper Officer; and
 - (iii) the period of 3 working days within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
- (c) Either:-
 - (i) the Executive Leader has within the period specified in the notice under sub-paragraph (b)(iii) notified the Appointer that neither he nor any other Member of the Executive has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the Appointer that no objection was received by him within the period from the Executive Leader; or
 - (iii) the Appointer is satisfied in consultation with either the Proper Officer or the Head of Legal Services that any objection received from the Executive Leader within the period is not material or is not well-founded.