

# **PART 10**

## **EMPLOYMENT PROCEDURE RULES**

## **EMPLOYMENT PROCEDURE RULES**

### **1. Meaning of Senior Officer**

For the purpose of the Employment Procedure Rules, "Senior Officer" means Head of Paid Service and Corporate Directors.

### **2. Canvassing for Candidates for Employment**

2.1 Canvassing of Members of the Council or any Committee of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this paragraph shall be included in every advertisement inviting applications for appointments or in the form of application.

2.2 A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude any Member from giving a written testimonial of the candidate's ability, experience or character, for submission to the Council with an application for appointment.

2.3 A candidate for any appointment under the Council who knows that he is related to any Member or Senior Officer of the Council shall, when making application, disclose that relationship to the Head of People Services. 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. Every Member and Senior Officer of the Council shall disclose to the Council any relationship known to him or her to exist between himself or herself and a candidate for an appointment of which he or she is aware. It shall be the duty of the Managing Director to report to the Council or to the appropriate Committee any such disclosure made to him.

2.4 The purport of paragraph 2.3 shall be stated either in the advertisement inviting applications for appointment or in any form of application supplied for use by candidates.

### **3. Appointment of Senior Officer**

Where the Council or the Personnel and General Purposes Committee propose to appoint a Senior Officer and it is not proposed that the appointment is made from the Council's existing employees the Head of People Services will:-

(a) Draw up a statement specifying:

- i) The duties of the post 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 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.

#### **4. Appointment of Head of Paid Service**

- 4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Personnel and General Purposes Committee.
- 4.2 The full Council may only approve the appointment of the Head of Paid Service where they are satisfied that no well-founded objection has been made by the leader of any political group in accordance with the procedure set out in paragraph 8 below.

#### **5. Appointment of Monitoring Officer and Section 151 Officer**

- 5.1 The full Council will approve the appointment of one of the Council's officers as the Monitoring Officer and the Section 151 Officer following the recommendation of such an appointment by the Head of Paid Service.

#### **6. Appointment of Corporate Directors**

- 6.1 The Personnel and General Purposes Committee will appoint the Corporate Directors.
- 6.2 An offer of employment as a Corporate Director shall only be made where the Committee is satisfied no well-founded objection from the leader of any political group has been received in accordance with the procedure set out in paragraph 8 below.

#### **7. Appointment of Deputy Directors and Heads of Service**

- 7.1 The appointment of Deputy Directors and Heads of Service shall be the responsibility of the Head of Paid Service, however any appointment panel must include at least three members of the Personnel and General Purposes Committee drawn from more than one political group.

#### **8. Procedure for objection to the appointment of Senior Officers**

- 8.1 Where the Council propose to approve the appointment of a Head of Paid Service or the Personnel and General Purposes Committee propose to appoint a Corporate Director, the Monitoring Officer shall notify all Group Leaders in writing of the name of the proposed appointee and any other particulars relevant to the appointment.
- 8.2 Within five working days of such notification, all Group Leaders shall notify the Monitoring Officer in writing either that they have no objection to the proposed appointment or, that they have an objection to the proposed appointment, and setting out the grounds for it.

8.3 If any Group Leader notifies the Monitoring Officer that there is no objection to the proposed appointment or does not reply within the period set out in paragraph 8.2, the proposed appointment shall become immediately effective.

8.4 If any Group Leader notifies the Monitoring Officer of such an objection, the Personnel and General Purposes Committee (or the Council in the case of the Head of Paid Service) shall consider the grounds for the objection and decide what action to take.

## 9. **Disciplinary Action in respect of Senior Officers**

9.1 Subject to paragraph 10 below, no disciplinary action shall be taken against a Senior Officer except with the agreement of the Personnel and General Purposes Committee.

9.2 Subject to paragraph 8 below, no action shall be taken to dismiss the Head of Paid Service other than by the Council and no action shall be taken to dismiss any other Senior Officer other than by the Personnel and General Purposes Committee.

9.3 Where any such dismissal is proposed by the Council or the Personnel and General Purposes Committee, the notification procedure set out in paragraph 8 must be undertaken before any notice of dismissal is given with the substitution of "dismissal" for "appointment" wherever the term occurs.

## 10. **Disciplinary Action Against Head of Paid Service, Monitoring Officer and Section 151 Officer**

10.1 Other than as set out in paragraph 10.2, no disciplinary action may be taken against the Head of Paid Service, Monitoring Officer or Section 151 Officer except in accordance with the procedures set out in Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

10.2 The Personnel and General Purposes Committee may suspend the Monitoring Officer or Section 151 Officer on full pay for a period not exceeding two months for the purpose of investigating alleged misconduct or recommend the Council to suspend the Head of Paid Service on full pay for a period not exceeding two months for the purpose of investigating alleged misconduct.

## 11. **Other Appointments**

11.1 **Employees below Head of Service** – Appointments of employees below Service Manager (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**.

11.2 **Assistants to political groups** – Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

12. **Disciplinary Action and Dismissal of Officers below Corporate Director**

12.1 Disciplinary action and dismissal of employees below Corporate Director is the responsibility of the Head of Paid Service or his/her nominee and **may not be undertaken by Councillors.**