

# **4K - EMPLOYMENT PROCEDURE RULES**

## **RULE 1 – RECRUITMENT AND APPOINTMENT**

### (a) Declarations

The Council will require any candidate for employment to state in writing on their application form whether they have any relationship; eg via family, kinship etc to an existing councillor or officer of the Council, or of the partner of such persons.

### (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 stated in recruitment information.
- ii) no councillor will seek support for any person for any appointment with the Council. This does not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment. However, the member will not give such a testimonial if s/he takes part in any stage of the appointment process.

## **RULE 2 – RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS**

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer [ie Corporate Director] and it is not proposed that the appointment be made exclusively from among their existing officers, the Council 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 (a) to be sent to any person on request.

## **RULE 3 – APPOINTMENT OF HEAD OF PAID SERVICE; MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer following the recommendation of such an appointment by the Restructuring Implementation Committee of the Council. That Committee must include at least one member of the Cabinet for this purpose.

The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

*(The provisions of this Procedural Rule reflect a mandatory Regulation. It is not permitted therefore to suspend this Rule)*

#### **RULE 4 - APPOINTMENT OF CORPORATE DIRECTORS AND OTHER JNC OFFICERS**

The Restructuring Implementation Committee of the Council will appoint Corporate Directors and other JNC Officers reporting directly to the Chief Executive (and any deputy for such a post). That Committee must include at least one member of the Cabinet when dealing with any such an appointment.

An offer of employment as a Corporate Director or other JNC post (or the deputy of such a post) shall only be made where no well-founded objection from any member of the Cabinet has been received.

*(The provisions of this Procedural Rule reflect a mandatory Regulation. It is not permitted therefore to suspend this Rule)*

#### **RULE 5 – APPOINTMENT OF DIRECTORS, HEADS OF SERVICE AND SENIOR MANAGERS**

The appointment of Directors, Heads of Service and Senior Managers reporting to a Corporate Director is the responsibility of the relevant Corporate Director or his/her nominee, and may not be made by Councillors.

An offer of employment as a Director, Head of Service or a Senior Manager reporting to a Corporate Director (or the deputy of such a post) shall only be made where no well-founded objection from any member of the Cabinet has been received.

#### **RULE 6 – CONSULTATION WITH CABINET**

For each appointment to or dismissal from a post referred to in Rules 3, 4 and 5 above, neither an offer of employment of such an Officer, nor the giving of notice of dismissal may be made until every member of the Cabinet has been notified by the Chief Executive or his nominee of the proposed appointment or dismissal and given a period within which to make objections to the proposal through the Leader of the Council.

If the Leader of the Council informs the Chief Executive or his nominee that s/he or another Executive Councillor has an objection then its basis must be specified and the Committee or Officer making the appointment or proposing the dismissal must consider the objection and may only proceed if s/he considers it not to be material or not well founded.

If the Leader indicates to the Chief Executive or his nominee that neither s/he nor any other Executive Councillor has any objection to the making of the offer of appointment or the notice of dismissal, or if the Leader fails to give an indication by the close of the period given for objections, the offer or notice may

be implemented.

## **RULE 7 – APPOINTMENT OF OFFICERS BELOW HEAD OF SERVICE LEVEL**

The appointment of Officers below the level of a Director, Head of Service or a Senior Manager reporting to a Corporate Director, is the responsibility of the relevant Director, Head of Service or Senior Manager or his/her nominee. Such an appointment shall not be made by councillors.

## **RULE 8 – APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS**

Section 9 of the Local Government and Housing Act, 1989 requires a Council's Standing Orders [now these procedural Rules] to include certain points about the appointment of assistants to political groups.

Under these legal provisions, these Rules provide that each Political Group making up the membership of the Council shall be allocated one post of Political Assistant. The purpose of this post is to provide assistance to the Members of the Group in discharging any of their functions as members of the Council. The following conditions apply:

- (a) The Council must first agree to allocate such a post to each political group that qualifies for one (Note: It is open to a political group to decline to have such a post, even though it is entitled to have one)
- (b) The Council is not legally allowed to allocate such a post to a political group which does not satisfy the legal criteria for a post; and
- (c) No political group is allowed more than one such post.

Any allocation or appointment to these posts shall be subject to the provisions contained in Section 9 of the Local Government and Housing Act, 1989.

Such posts shall be filled from time to time by the Director Legal and Democratic Services in accordance with the wishes of the relevant political group.

### **(Non statutory provisions from here on)**

Assistants to political groups have the same rights of access to information as the councillors for whom they work, subject to legal provisions.

Assistants will be expected to maintain confidentiality when private business is discussed with them or in their presence. They will be permitted to attend private sessions of meetings on the same basis as councillors, subject to legal provisions.

Assistants are employees of the Council, but are accountable to the relevant Political Group Leader or other nominated Group members in terms of day to day operational management and workload.

The above non-statutory provisions shall apply also to the appointment by the Director Legal and Democratic Services of Political Group Support Officers,

where such posts are approved by the Council to support political groups that would otherwise not qualify for one of the statutory Political Assistant posts.

## **RULE 9 – DISCIPLINARY ACTION**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- (c) **Involvement of Councillors.** Councillors will not be involved in the disciplinary action against any officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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 disciplinary action.

## **RULE 10 - DISMISSAL**

Subject to the provisions of Rule 6 above, Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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.