

These Rules include the Council's Standing Orders with respect to staff in accordance with Section 8 of the Local Government and Housing Act 1989.

Staff Employment Procedure Rules

1. Recruitment and appointment: general

- (a) Except where Rule 3 below applies, all vacancies for staff for the Council, not being at a weekly wage, unless they are to be filled by promotion or transfer, shall be publicly advertised, except where the Council otherwise determine; provided that if a similar vacancy occurs within six months of the filling of a vacancy which has been publicly advertised, then, subject to a qualified person having applied, one of the former applicants may be appointed without advertisement. This Rule shall not apply to teachers, nor to staff on the establishment of schools with delegated budgets under the Council's schemes for Local Management of Schools (in respect of whom, LMS Standing Orders shall be observed).
- (b) A candidate for any appointment under the Council shall when making application disclose in writing to the Corporate Director/Head of Unit concerned whether to their knowledge they are related to any Member of, or to any senior Officer of the Council, and a candidate who fails so to do shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.
- (c) Where relationship to a Member or Senior Officer is disclosed, the relevant provisions of the Members'/Officers' Code of Conduct shall apply.
- (d) For the purpose of this Rule "Senior Officer" means any employee of the Council who is graded at or above SM1 or its monetary equivalent, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the brother or sister, son or daughter, grandson or grand-daughter, or nephew or niece of the other, or of the spouse of the other.
- (e) Where powers with respect to an appointment under the Council are exercisable by a Board of Governors or other body, any reference in paragraphs (b), (c) and (d) of this Rule to the Council shall be construed as including a reference to that body and any reference to Corporate Director/Head of Unit concerned shall be construed as a reference to the Chief Administrative Officer of that body.
- (f) The purport of this Rule shall be included in every form of application supplied for use by candidates or, in the event of no form of application being supplied, shall be communicated to the candidate in writing.
- (g) If a candidate for any appointment under the Council canvasses Members, or Members of any committee, either directly or indirectly they shall thereby be disqualified for appointment. The purport of this paragraph shall be included in any form of application supplied for use by candidates or, in the event of no form of application being supplied, shall be communicated to the candidate in writing.

- (h) A Member shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion but this paragraph shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council, or to a committee, with an application for appointment, or from speaking and voting in support of a candidate's claims at a meeting of the Council or a committee.

2. Appointment of Head of Paid Service

The Head of Paid Service (i.e. the Chief Executive Officer) shall be appointed according to the provisions of Rule 3 below, save that:-

- ♦ references in Rule 3 to functions being performed by the Chief Executive Officer shall be read as those functions being performed by the first named of the following Officers who is available to act and not themselves a candidate: Corporate Director of Environment, Corporate Director of Resources, Assistant Chief Executive HR and Business Support;
- ♦ references to functions being performed by a sub-committee of the Chief Officers Appointments and Disciplinary Committee shall be read as those functions being performed by the committee itself; and
- ♦ the Council must approve the appointment before an offer of appointment is made.

3. Appointment of Chief Officers

- (a) Whenever a vacancy occurs amongst the Chief Officers, the Chief Executive Officer shall consult with the Leader, the relevant Portfolio Holder and group spokespersons on the relevant overview and scrutiny committee to decide whether the Council should be requested to consider and approve the duties and salary of the post before the post is filled. Pending any such reconsideration by the Council and the filling of the post, the Chief Executive Officer may, if they think fit, appoint some person within the establishment to discharge temporarily the duties of the post until a successor is appointed.
- (b) Where it is proposed to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among existing Officers of the Council, the Chief Executive Officer shall, after consultation with the Leader, the appropriate Portfolio Holder and group spokespersons on the relevant Overview and Scrutiny Committee:
- (i) draw up a statement specifying:-
 - (1) the duties of the Officer concerned; and
 - (2) any qualification or qualities to be sought in the person to be appointed;
 - (ii) 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

- (iii) make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.
- (c) (i) Where a post of Chief Officer has been advertised, the Chief Officers Appointments and Disciplinary Committee shall appoint a sub-committee to:-
 - (1) interview all qualified applicants for the post; or
 - (2) select a short list of such qualified applicants and interview those included on the short list.
- (ii) Where no qualified person has applied, further arrangements for advertisement shall be made in accordance with (b) above.
- (d) All permanent appointments as a Chief Officer shall, unless the Council otherwise directs, be made by the sub-committee referred to in (c) above, and shall be reported to full Council at the first available opportunity.
- (e) Both the Chief Officers Appointments and Disciplinary Committee, and any sub-committee appointed under (c) above, must include at least one Member of the Executive.
- (f) The determination of the remuneration and other terms and conditions which shall apply to a Chief Officer post on appointment must comply with the Pay Policy Statement, provided that if it is proposed to make an appointment on terms and conditions which do not comply, the matter shall be referred to full Council for consideration as to whether the Pay Policy Statement should be amended prior to a final offer being made to any candidate.
- (g) Any amendments proposed to Chief Officer remuneration and other terms and conditions, which would comprise an amendment to the Pay Policy Statement, shall be considered by the Chief Officers Appointments and Disciplinary Committee (or, in the case of Assistant Directors and Assistant Chief Executives, by the Chief Executive Officer) and recommended by them to full Council for approval.
- (h) The Director of Public Health must be appointed jointly by the Council and the Secretary of State.

4. Other appointments

Officers below Chief Officer. Appointment of Officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Councillors.

5. Right of the Leader to object to proposed senior appointments

- (a) This Rule applies to:
 - ♦ all Chief Officers including the Chief Executive Officer and all Corporate Directors;
 - ♦ all Assistant Chief Executives;

- ♦ all staff (other than those undertaking purely clerical secretarial and support services) who report directly to the Corporate Directors and the Assistant Chief Executives.
- (b) An offer of appointment as an officer to whom this Rule applies shall not be made until:
- (1) the person or body wishing to make the appointment ("the appointor") has notified the Assistant Chief Executive HR and Business Support of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (2) the Assistant Chief Executive HR and Business Support has notified every Member of the Executive of the authority of -
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Assistant Chief Executive HR and Business Support; and
 - (iii) that within three clear working days any objection to the making of the offer may be made by the Executive Leader on behalf of the Executive to the Assistant Chief Executive HR and Business Support; and
 - (3) either
 - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither the Leader nor any other member of the Executive has any objection to the making of the offer;
 - (ii) the Assistant Chief Executive HR and Business Support has notified the appointor that no objection was received by them within that period from the Executive Leader; or
 - (iii) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

5A. Appraisal of the Chief Executive Officer

- (a) On an annual basis a formal appraisal of the Chief Executive Officer shall be carried out by the Leader of the Council. The appraisal shall be conducted following consultation by the Leader with the members of the Executive and the leaders of the political groups upon the Council.
- (b) Where the outcome of the appraisal will affect the terms and conditions of the Chief Executive Officer, the matter will be referred to the Chief Officers Appointments and Disciplinary Committee for it to determine any necessary changes to such terms and conditions (as the power to determine the terms and conditions on which staff hold office is a non-executive function).

NOTE 1: for the avoidance of doubt, issues such as the award (or non-award) of an increment within the grade band of the Chief Executive Officer will not amount to a change in their terms and conditions necessitating a referral to the Chief Officers Appointments and Disciplinary Committee.

- (c) Where, on appraisal of the Chief Executive Officer, the Leader and/or the Chief Officers Appointments and Disciplinary Committee determines that an increment should not be awarded, the Chief Executive Officer will have a right of appeal to the Employment Appeals Committee.

6. Disciplinary Action and Dismissal

- (a) The function of dismissal of, or taking disciplinary action against any member of staff below Chief Officer must be discharged on behalf of the Council by the Head of Paid Service or by an Officer nominated by them; and Councillors will not be involved in the dismissal of, or disciplinary action against any Officer below 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 Member involvement in respect of certain appeals against disciplinary action.
- (b) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of dismissing the Head of Paid Service, the Monitoring Officer or the Section 151 Officer, the Council must approve that dismissal before notice of dismissal is given after taking into account, in particular:
 - (a) any advice, views or recommendations of the Chief Officers Disciplinary Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the Head of Paid Service, the Monitoring Officer or the Section 151 Officer.

The Chief Officers Disciplinary Panel must include at least two independent persons appointed under section 28(7) of the Localism Act 2011. Appointments to the Panel must be made at least 20 working days before the relevant Council meeting.

- (c) Where a Committee or Sub-Committee is discharging, on behalf of the Council the function of the dismissal of any Chief Officer at least one Member of the Executive must be a Member of that Committee or Sub-Committee.
- (d) Notice of the dismissal of an Officer to whom Rule 5(a) applies must not be given until:
 - (1) the person or body wishing to give the notice ("the dismissor") has notified the Assistant Chief Executive HR and Business Support of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

- (2) the Assistant Chief Executive HR and Business Support has notified every Member of the Executive of the authority of -
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Assistant Chief Executive HR and Business Support: and
 - (iii) that within three clear working days any objection to the dismissal may be made by the Executive Leader on behalf of the Executive to the Assistant Chief Executive HR and Business Support; and
- (3) either:-
 - (i) the Executive Leader has within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither the Leader nor any other Member of the Executive has any objection to the dismissal;
 - (ii) the Assistant Chief Executive HR and Business Support has notified the dismissor that no objection was received by them within that period from the Executive Leader; or
 - (iii) the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.
- (e) In this rule, “disciplinary action” means any action occasioned by alleged misconduct which, if proved, would (according to the usual practice of the Council) be recorded on the member of staff’s personal file, and includes any proposal for dismissal for any reason other than redundancy or permanent ill health or infirmity of mind or body, but does not include failure to renew a fixed term contract, unless the Council has undertaken to renew it.
- (f) The Council must consult the Secretary of State before dismissing the Director of Public Health (although the Secretary of State cannot veto the Council’s final decision on dismissal).

7. Interests of Officers in Contracts

The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.

8. Equalities Policy

All action in relation to the recruitment, promotion, training, development and discipline of staff shall be taken with due regard to the Council’s Equalities Policy.

9. Interpretation of Rules 5 and 6

Where an appointment is to be made to the post of Assistant Chief Executive HR and Business Support, or it is proposed to dismiss the Assistant Chief Executive HR and Business Support, the functions specified in Rules 5 and 6 as functions of the Assistant Chief Executive HR and Business Support shall be undertaken instead by the Assistant Chief Executive Legal and Democratic Services.