

Part 8

Employment Procedure Rules

1. Recruitment and appointment

1.1. Declarations

1.1.1. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are related to an existing Councillor or Officer of the Council; or the partner or ex-partner of such a person.

1.1.2. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer (as set out in **Appendix A**) or an Officer nominated by him/her.

1.2. Seeking councillors support for appointment

1.2.1. Subject to paragraph 1.2.3 below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2. Subject to paragraph 1.2.3 below, no Councillor will seek support for any person for any appointment with the Council.

1.2.3. Nothing in paragraphs 1.1.1 and 1.1.2 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

1.3. ~~Senior officer posts covered by these Rules~~

~~1.3. Except where stated in these rules, Parts 2 to 8 apply to the following posts: Chief Executive, Deputy Chief Executive, Assistant Chief Executive, Director, Monitoring Officer, Chief Finance Officer, Assistant Director, Divisional Director, or Head of Service post reporting to the Chief Executive or a post that reports to the Chief Executive. For the purposes of these rules, these posts will be referred to as "Senior Officer Posts". The current list of posts is set~~

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2. Recruitment

- 2.1. Where the Council proposes to recruit and appoint to a Senior Officer Post and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:
- 2.1.1. draw up a statement specifying:
 - 2.1.1.1. the duties of the post concerned; and
 - 2.1.1.2. any qualifications or qualities to be sought in the person to be appointed;

2.1.1.3. 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

2.1.1.4. make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

2.1.2. The Chief Operating Officer is responsible for keeping this list up to date in the light of changes to the Council's organisational structure.

3. Staffing Committee

3.1. The Council has appointed a Staffing Committee (the Committee) to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Senior Officer Posts, where not restricted or prohibited by law. References to the Committee include a sub-committee of the Committee established by it to carry out its functions.

3.2. The Committee must include at least one Member of the Cabinet. Where the Committee is considering the appointment or the dismissal of any Officer (excluding the dismissal of a Statutory Officer – see below), the Committee must also include at least one member of an Overview and Scrutiny Committee.

4. Appointment of Chief Executive (Head of Paid Service)

- 4.1. The full Council will determine whether to approve the appointment of the Head of Paid Service following a recommendation by the Staffing Committee.
- 4.2. The Council may only make or approve a Head of Paid Service appointment, where no well-founded objection has been made by any member of the Cabinet (see Part 8).

5. Appointment to other Senior Officer Posts

- 5.1. The Staffing Committee has delegated authority to appoint all other senior officer posts, but an offer of employment shall only be made where no material or well-founded objection from a Member of Cabinet has been received (see part 8).
- 5.2. **Officers not covered by these Rules:** Other than statutory assistants to political groups, all other appointments are the responsibility of the Chief Executive, as Head of Paid Service or her/his nominees, and may not be made by Councillors. (The Council's General Scheme of Delegation sets out the delegation of these powers).
 - 5.2.1. **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group (currently no such posts exist).

***Note:** The Council is not able to make any political assistant appointment until the Council has allocated posts to all political groups which qualify for one. The Council is required to consider the allocation of a political assistant to a political group in accordance with the relevant regulations. Non-qualifying groups are not allowed political assistants. More than one advisor per group is not permitted.*

6. Disciplinary action against and dismissal of the head of paid service, monitoring officer or chief finance officer (“the statutory officers”).

6.1. The Staffing Committee has power to decide whether to investigate any allegation of misconduct by a statutory officer, all matters relating to the conduct of the investigation and may suspend the statutory officer on full pay whilst any investigation and/or any subsequent disciplinary process takes place.

6.2. The Committee will consider the investigation report, any other evidence it considers relevant and the officer will have an opportunity to state their case.

6.3. The Committee will consider whether disciplinary action is needed and, if so, the appropriate sanction. Where the proposed sanction is less than dismissal, the Committee will instruct officers to implement any sanctions.

6.4. Where the Committee proposes dismissal:

6.4.1. a Statutory Officer Independent Panel (the Panel) which will receive its advice, views or recommendations.

6.4.2. The Panel will consider the dismissal and may give its advice, views or recommendations to Full Council;

6.4.3. The Panel must be established at least 20 working days before the full Council meeting.

6.4.4. Full Council will decide whether or not to approve the dismissal taking into account: the investigation and its conclusions; the Panel’s advice, views and/or recommendations; and any representations by the relevant officer.

7. Disciplinary action against and dismissal of other Senior Officers (“non-statutory officers”)

7.1. The Staffing Committee has power to decide whether to investigate any allegation of misconduct by a non-statutory officer, all matters relating to

the conduct of the investigation and may suspend the statutory officer on full pay whilst any investigation and/or any determine any subsequent disciplinary process that takes place.

- 7.2. The Committee has power to impose any sanction up to and including dismissal, subject to Section 8 below.
- 7.3. Where required, the Committee will consider an appeal against a disciplinary sanction or dismissal of a non-statutory officer.

8. Cabinet Objections to Appointments or Dismissals

- 8.1. Where a Panel makes the decision to appoint or dismiss a senior officer post any Cabinet member has the right to object before an appointment is made or a notice of dismissal is given.
- 8.2. The Chief Executive will inform all Cabinet members about the proposed appointment or dismissal in writing. The Chief Executive will advise:
 - 8.2.1. The name of the person who is the subject of the proposed appointment or dismissal
 - 8.2.2. Any other particulars relevant to the appointment or dismissal which the Panel has notified to the Chief Executive
 - 8.2.3. That objections must be received within five working days; and
 - 8.2.4. That any objections must be made to the Leader of the Cabinet.
- 8.3. The appointment or dismissal can only be made if:
 - 8.3.1. There is no objection from the Members of the Cabinet within five working days; or
 - 8.3.2. An objection is received and considered by the Panel but is not considered to be material or well founded.

9. Organisational Restructuring

- 9.1. Restructuring within a single directorate is the responsibility of the relevant ~~Executive~~ Director.
- 9.2. Restructuring involving more than one ~~d~~Directorate in a material way (to be determined by the Director of Governance) is the responsibility of the Chief Executive (Head of Paid Service)
- 9.3. ~~Council-wide restructuring will require Cabinet approval.~~ Restructuring that affects all directorates in a material way (to be determined by the Director of Governance) is the responsibility of Cabinet and Cabinet must also approve any changes to the senior management structure (see Cabinet Terms of Reference).

10. Annual Pay Policy Statement

- 10.1. Section 39 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the authority's policies relating to remuneration of chief officers and its lowest paid officers; and the relationship between the remuneration of its chief officers and that of its employees who are not chief officers.
- 10.2. The annual pay policy statement will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in-year.

APPENDIX A

MEMBER-LEVEL APPOINTMENT POSTS

Chief Executive

Deputy Chief Executive: Families (statutory director of Children and Adult Services)

Director of Housing and Growth

Director of Housing and Regeneration

Director of Finance (Chief Finance Officer)

Chief Operating Officer

Director of Neighbourhoods & Commissioning

Director of Governance (Monitoring Officer)

Assistant Chief Executive

Director of Public Health

Divisional Director: Adult Social Care

Divisional Director: Children and Families

Divisional Director: Education Improvement

Divisional Director: Strategic Commissioning

Divisional Director: Business Employment & Skills

Divisional Director: Public Realm

Divisional Director: Housing and Development

Assistant Director: Financial Planning

Assistant Director: Accountancy, Exchequer and Pensions

Assistant Director: Procurement and Commissioning

Assistant Director: Audit Anti-Fraud & Risk Management

Assistant Director: Asset Management & Delivery

Assistant Director: Organisational Development & Business Change

Head of Troubled Families – temporary to 2015

Public Health Consultants – 2.5 posts

Chief Information Officer

Non-Chief Officer posts that are paid in accordance with the grading structure relevant to the post that pay similar levels to Chief Officer roles.

Executive Head of Pupil Referral Unit

HM Coroner