

Employee Employment Procedure Rules

1 Recruitment and appointment

1.1 Declarations

- a. The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether he/she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council; or of the partner of such persons.
- b. No candidates related to a Councillor or an employee will be appointed without the authority of the relevant Senior Manager or an employee nominated by him/her.

1.2 Seeking support for appointment

- a. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or an employee of the Council for that appointment with the Council. The content of this paragraph will be included in any recruitment information.
- b. No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

1.3 Equal Opportunities

The Council will not unlawfully discriminate in the recruitment and appointment of officers and all appointments shall be made on merit.

2. Recruitment of Chief Executive (Head of Paid Service), Deputy Chief Executive, Strategic Directors, Directors and Designated Statutory Officers (Monitoring Officer and Section 151 Officer).

2.1 Where the Council proposes to appoint a Chief Executive (Head of Paid Service), Deputy Chief Executive, Strategic Director, Directors or Designated Statutory Officer (Monitoring Officer and Section 151 Officer) the Council will:

(i) draw up a statement specifying:

- a. the duties of the employee concerned; and
- b. any qualifications or qualities to be sought in the person to be appointed;

(ii) make arrangements for the post to be advertised in such way as is likely to bring it to the attention of persons who are qualified to apply for it; and

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(iii) make arrangements for a copy of the statement above to be sent to any person on request.

3. Appointment of Chief Executive (Head of Paid Service), Deputy Chief Executive, Strategic Directors and Designated Statutory Officers (Monitoring Officer and Section 151 Officer).

3.1 The Council will appoint the Chief Executive (Head of Paid Service), Deputy Chief Executive, Strategic Directors and Designated Statutory Officers (Monitoring Officer and Section 151 Officer) following the recommendation of a Special Appointment Committee of the Council.

3.2 The Council may only approve the appointment of officers referred to in 3.1 where no well-founded objection has been made by any Cabinet Member. If the Council approves the recommendation, then a formal offer of appointment can be made.

3.3 The Council may provide delegation to the Special Appointments Committee to approve the appointments.

3.4 Where following the interviews the Special Appointments Committee is of the view that there is no suitable candidate, it will re-advertise the post.

3.5 Where full Council does not approve the recommendation of the Special Appointments Committee, they shall indicate how they wish to proceed.

3.6 Any new appointments or severance packages of £100,000 or above (excluding pension) will be the subject of recommendation from the Special Appointments Committee to full council.

4.0 Appointment of Directors

4.1 A Special Appointment Committee of the Council will appoint Directors.

4.2 An offer of employment as a Director shall only be made where no well-founded objection has been made by any Cabinet Member.

5.0 Special Appointment Committees

5.1 A Special Appointment Committee will be utilised to appoint the Chief Executive (Head of Paid Service), Deputy Chief Executive, Strategic Directors, Directors and Designated Statutory Officers (Monitoring Officer and Section 151 Officer) on a politically balanced basis and comprise of elected members.

5.2 Any Special Appointment Committee will be representative in terms of race and gender and disability wherever possible and have completed unconscious biased training.

5.3 The Special Appointment Committee will comprise of the following:

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- a) The Leader and/or Deputy leader of the Council or their respective nominees
 - b) The appropriate Cabinet Member(s) having responsibility for the area of service concerned, determined by the Director of Governance in consultation with Leader of the Council or their nominee.
 - c) The Chair of the Scrutiny Board or their nominee; such other opposition non-cabinet member(s) to ensure political balance.
 - d) The appointment panel shall be advised by the Chief Executive and any other relevant senior officers or external professional advisers/partners as nominated by the Chief Executive.
 - e) A nominated employee from an equality forum group in an observer capacity.
- 5.4 Any Special Appointment Committee will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 (“the Regulations”) as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 5.5 The Director of Governance will be the Proper Officer for the purposes of the Regulations. If that post is vacant then the Head of Paid Service will be the Proper Officer.
- 5.6 Any Special Committee utilised for the purposes of disciplinary action of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer will follow the procedure required by the Local Authorities (Standing Orders) (England) Regulations 2001 (“the Regulations”) as amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 6.0 Other appointments**
- 6.1 **Appointment of Director of Public Health** – where the Council proposes to appoint a Director of Public Health, the Council will follow any necessary statutory requirements that apply to that post and comply with any specific requirements issued by the Secretary of State.
- 6.2 **Deputy Director** - Appointment of a Deputy Director is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors. The relevant Cabinet Member will be consulted and engaged with prior of a formal offer of appointment.
- 6.3 **Assistants to political groups** - Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group provided such is in compliance with any statutory requirements.
- 6.4 **Employees below Deputy Director** – Appointment of employees below Deputy Director are the responsibility of the Chief Executive (or their nominee) and may not be made by Councillors.

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7.0 Disciplinary Action – Chief Executive (Head of Paid Service), Monitoring Officer and Section 151 Officer

7.1 **Suspension** - The Chief Executive (Head of Paid Service), Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. The decision to suspend the Chief Executive (Head of Paid Service), Monitoring Officer and Section 151 Officer shall be made by the Special Appointments Committee. That suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect unless notice is given to extend the period of suspension.

7.2 **Independent Panel** – No disciplinary action may be taken in respect of the officers referred to in 7.1 above except in accordance with a recommendation in a report made by a Panel established under the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 containing at least two Independent Persons appointed under section 28 (7) of the Localism Act 2011.

7.3 **Decision Making** – Any proposed disciplinary action of officers referred to in 6.1 that is a lesser sanction than dismissal shall be determined by the Special Appointments Committee. Where a recommendation is made that dismissal of those officers is the appropriate action, that final decision shall only be undertaken by Council.

7.4 **Disciplinary Procedure** – Any proposed disciplinary action of officers referred to in 6.1 shall be dealt with in accordance with the Model Disciplinary Procedure detailed in JNC Chief Executive Handbook.

8.0 Disciplinary action against other employees

8.1 Councillors will not be involved in disciplinary action against any employee excluding those detailed in 7.1 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.

8.2 Dismissal of all other officers will follow the Council's Disciplinary Policy and Procedure.

8.3 The dismissal of the officer undertaking the statutory role of Director of Public Health may not be dismissed, except following consultation with the Secretary of State

9.0 Grievances

9.1 Grievances raised by or against the Chief Executive, Monitoring Officer or Section 151 Officer should be dealt with in accordance with the Councils relevant procedures and the JNC Chief Executive Handbook.

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- 9.2 Grievances raised by or against Deputy Chief Executive or Directors should be dealt with in accordance with the Councils relevant procedures.