

## **Part Seven - Council Officers**

### **Section Three – Officer Employment Procedure**

#### **I. Recruitment and Appointment**

##### **(a) Declarations**

- (i) The Council requires all candidates for appointment as an officer to state in writing whether they are related to an officer or elected member of the Council and to state the name and nature of the relationship.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him or her.

##### **(b) Seeking Support for Appointment**

- (i) Seeking the support of any elected member, directly or indirectly, for appointment in the gift of the Council, or for employment under the Council, or for any contract with the Council shall be strictly prohibited and shall be held to disqualify an applicant. This shall prohibit any applicant from sending particulars of his or her qualifications and copies of his or her testimonials to members. The content of this paragraph will be included in recruitment information.
- (ii) No Councillor will seek support for any person for any permanent or temporary appointment with the Council.

#### **2. Recruitment of Chief Executive, Executive Directors and Directors**

Where the Council proposes to appoint a Chief Executive or another executive director, director or chief officer, and it is not proposed that the appointment be made exclusively from among existing officers, the Director of Human Resources & Organisational Development (in conjunction with the appropriate Chief Officer or the Director of Human Resources & Organisational Development in liaison with the Leader of the Council in the case of the appointment of a Chief Executive) will:

- (a) draw up a statement specifying the duties of the officer concerned and specifying the qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such ways as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request;
- (d) arrange for the post to be re-advertised in accordance with paragraph (b) above where no qualified person has applied for it;

- (e) make arrangements after the closing date to agree a long-list of candidates. A decision will then be taken on the most appropriate form of selection process to enable a decision on a final short-list to be made.

### **3. Appointment of Chief Executive, Executive Directors and Directors**

- (a) An appointment panel, as set out in Part 5, will undertake the selection process, setting the terms and conditions of appointment.
- (b) In the appointment of a Chief Executive the full Council will approve the appointment, following the recommendation of the Appointment Panel. The full Council may only approve the appointment of the Chief Executive where any member of the Executive has made no well-founded or material objection following their notification of the details of the proposed appointment.
- (c) In the appointment of an executive director, director or chief officer, the Appointment Panel will make the appointment. An offer of appointment shall be made only where no well-founded or material objection from any member of the Executive has been received following their notification of the details of the proposed appointment.

### **4. Appointment to interim positions of Chief Executive, Executive Directors and Directors**

- 4.1 Interim appointments to these posts will be subject to the requirements of paragraphs 2 and 3 above, except where the relevant Lead Member(s), in consultation with the Chief Executive and/or Executive Director, indicates that they wish the Chief Executive (or the Director of Human Resources & Organisational Development in the case of the provisional appointment of the Chief Executive which has to be approved by the Council) to make the appointment. In such cases, the Chief Executive will liaise with the relevant Lead Member(s) prior to the interim appointment and will not make the appointment if other members of the Executive have made well-founded objections following their notification of the proposed interim appointment.

### **5. Other Appointments**

Appointment of officers below Executive Directors and Directors is the responsibility of the Chief Executive or his or her nominee, and cannot be made by Councillors. The process will follow paragraph 2.

### **6. Disciplinary Action**

#### **(a) Suspension**

The Head of the Paid Service (Chief Executive), the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than four months. Any decision to suspend the Head of Paid Service will be taken by the Leader following consultation with the Director of Human Resources & Organisational Development.

**(b) Dismissal**

The Head of the Paid Service (Chief Executive), the Monitoring Officer, and the Chief Finance Officer may not be dismissed unless the following procedure is complied with and the Council must approve the dismissal before notice is given to that person:

The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

An independent person means a person who has been appointed under section 28(7) of the Localism Act 2011. The Council has appointed three independent persons who are members of the Council's Ethics Panel and who are therefore 'relevant independent persons' for the purposes of this procedure.

The Council must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order -

- (i) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (ii) any other relevant independent person who has been appointed by the Council;
- (iii) a relevant independent person who has been appointed by another authority or authorities.

The Council must appoint any Panel at least 20 working days before the matter is considered at a meeting of the full Council. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council will take into account, in particular—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

**(c) Other Officers**

Any disciplinary action taken in respect of all other officers will be in accordance with the relevant Employee Disciplinary Code.

An executive director, director or chief officer may only be given notice of dismissal if all Executive members have been notified of the proposed dismissal and no well-founded objection to the dismissal has been received from the Leader on behalf of the Executive.

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