

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

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CONSTITUTION 2021 – Version 2 (May 2022)
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Contents

1.0	INTRODUCTION	3
2.0	RECRUITMENT AND APPOINTMENT	4
3.0	DISCIPLINARY ACTION	7
4.0	DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS	8
5.0	DISMISSAL FOR REDUNDANCY OR ANY OTHER SUBSTANTIAL REASON	8
6.0	APPEALS	9
7.0	SETTLEMENT AGREEMENTS	9
8.0	SUPPLEMENTARY PROVISIONS	9

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

1.0 INTRODUCTION

1.1 Definitions

a) In these Rules:

<i>This reference</i>	<i>Means</i>
Relevant Legislation	The Local Authorities (Standing Orders) (England) Regulations 2001; the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and any subsequent legislation.
Appointer	The Head of Paid Service or their nominee who has been given authority to discharge the function of appointment of an officer on behalf of the Council
Disciplinary Action	Any action occasioned by alleged misconduct which, if proven, would according to the Council's usual practice be recorded on the member of staff's personal file. This includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.
Dismissor	The Head of Paid Service or their nominee who has been given authority to discharge the function of dismissal of an officer on behalf of the Council
Head of Paid Service	The officer designated under Section 4(1) of the Local Government and Housing Act 1989.
Section 151 Officer	The officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs.
Monitoring Officer	The officer designated under Section 5(1) of the Local Government and Housing Act 1989.
Directors	Those officers who shall report directly to the Chief Executive and shall have managerial responsibility for a directorate.
Group Head	An officer who, with respect to all or most of the duties of their post is required to report directly or is directly accountable to either the Head of Paid Service or a Director, with the exception of an officer whose duties are secretarial or clerical or are otherwise in the nature of support services.
Statutory Officers' Investigatory and Disciplinary Committee	The Committee established by the Council to deal with matters relating to the conduct and/or capability of the Statutory Officers and Directors, as confirmed in the Constitution at Part 3 (Responsibility for Functions)

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

1.2 Posts

- a) For ease of reference, the posts which fall under the relevant definitions in these Officer Procedure Rules are as follows:

<i>Definition</i>	<i>Relevant Post</i>
Head of Paid Service	Chief Executive
Section 151 Officer	Group Head of Corporate Support
Monitoring Officer	Group Head of Law & Governance
Director	Director of Place Director of Services
Group Head	Group Head of: <ul style="list-style-type: none"> • Corporate Support • Law & Governance • Policy • Residential Services • Neighbourhoods • Community Safety • Planning • Technical Services • Economy

1.3 Confidentiality

- a) The Council and any relevant Committee shall, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under Section 100A of the Local Government Act 1972, as amended, where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual member of staff are to be discussed.
- b) This Rule recognises that it will still be for the Council and any relevant Committee to make such a formal resolution on an individual basis in line with the requirements of the Access to Information Rules at Part 6 of this Constitution.

2.0 RECRUITMENT AND APPOINTMENT

2.1 Declarations

- a) A candidate for any Council appointment will, when making their application, inform the Group Head of Corporate Support, or their nominee, of any close personal relationship with a person that they know is a Councillor, or officer who may have an influence on the appointment decision. A candidate who knowingly fails to disclose a relationship will be disqualified for the appointment and, if appointed, be liable for dismissal without notice. A Councillor, or officer who may have an influence on the appointment decision, will inform the Chief

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

Executive of any relationship known to them with any person they know is a candidate for an appointment. The Chief Executive will report any such disclosure either to the Council or the officer making the appointment.

- b) This Rule will be included in any recruitment information.
- c) Persons will be deemed to be in a close personal relationship if they are:
 - married, dating, in a civil partnership or a co-habiting arrangement or other similar relationship;
 - immediate family members, e.g., parents, son, daughter, brother, sister, grandparent or grandchild; and
 - other relationships including extended family such as aunts, uncles, cousins, nieces, nephews; and
 - any other individuals such as close personal friendships or business associates outside of the Council.

2.2 Support for Appointments

- a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment to the Council. Recruitment information will refer to Council policy that Councillors and officers cannot take part in the recruitment process if they are in a close personal relationship with the applicant.
- b) A Councillor shall not solicit for any person any Council appointment, or give a written testimonial of a candidate's ability, experience or character for an application for appointment with the Council.

2.3 Recruitment of the Head of Paid Service

- a) The Head of Paid Service is the Council's Chief Executive and is a statutory post.
- b) Where the Council proposes to appoint the Head of Paid Service, the Chief Executive's Recruitment and Selection Panel will be responsible for undertaking all the processes leading to their recruitment and selection, as confirmed in Part 3 (Responsibility for Functions).

2.4 Recruitment of Directors

- a) Where the Council proposes to appoint a Director and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service will be responsible for submitting a report to the Full Council to agree the processes to be followed leading

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

to their recruitment and selection, including arrangements for the Member appointments to the interview panel.

- b) Once the processes have been agreed, the Head of Paid Service or their nominee will:
- Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - Send a copy of the statement to any person on request.
- c) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
- confirming an interview panel based on the appointments agreed by the Full Council;
 - selecting a shortlist of such qualified applicants;
 - interviewing all those included on the shortlist; and
 - if no qualified person has applied, making further arrangements for advertisement in accordance with Rule 2.4(a).

2.5 Recruitment of Section 151 Officer, Monitoring Officer and Group Heads

- a) Where the Council proposes to appoint a Section 151 Officer, Monitoring Officer or Group Head and it is not proposed that the appointment will be made exclusively from among existing officers, the Head of Paid Service or their nominee will:
- Draw up a statement specifying:
 - a) the duties of the officer concerned; and
 - b) any qualifications or qualities to be sought in the person to be appointed.
 - Advertise the post in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - Send a copy of the statement mentioned to any person on request.
- b) Where a post has been advertised, as provided for in paragraph a), the Head of Paid Service, or their nominee, will be responsible for:
- agreeing an interview panel, in consultation with the Chair and Vice-Chair of the Policy & Finance Committee;

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

- selecting a shortlist of such qualified applicants;
- interviewing all those included on the shortlist; and
- if no qualified person has applied, making further arrangements for advertisement in accordance with Rule 2.5(a).

2.6 Authority to Appoint

- a) **The Head of Paid Service** – the Full Council will be responsible for confirming the appointment of the Head of Paid Service on the recommendation of the Chief Executive’s Recruitment and Selection Panel, as confirmed in Part 3 (Responsibility for Functions).
- b) **Directors** – the Full Council will be responsible for confirming the appointment of a Director based on the recommendation of the Head of Paid Service, as confirmed in Part 3 (Responsibility for Functions).
- c) **Section 151 Officer, Monitoring Officer and Group Heads** –the Head of Paid Service, or their nominee, will be responsible for confirming the appointment of the Section 151 Officer, Monitoring Officer or a Group Head based on the recommendation of an interview panel established under Rule 2.5(b).
- d) **Other Employees** – the appointment of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council’s recruitment procedures.

3.0 DISCIPLINARY ACTION

3.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) The Statutory Officers’ Investigatory and Disciplinary Committee will be responsible for dealing with matters relating to the conduct and/or capability of the following officers, as confirmed in Part 3 (Responsibility for Functions):
 - Head of Paid Service
 - Director of Place
 - Director of Services
 - Section 151 Officer
 - Monitoring Officer
- b) The Group Head of Corporate Support, in consultation with the Leader of the Council, may agree the immediate suspension with pay of the Chief Executive in an emergency whilst an urgent meeting of the

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

Statutory Officers' Investigatory and Disciplinary Committee is convened.

3.2 Other Employees

- a) Disciplinary action in respect of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.0 DISMISSAL FOR DISCIPLINARY AND CAPABILITY REASONS

4.1 Head of Paid Service, Directors, Section 151 Officer and Monitoring Officer

- a) Where the recommendation of the Statutory Officers' Investigatory and Disciplinary Committee, following an independent review by the Statutory Officers' Investigatory and Disciplinary Panel, is for dismissal then the Full Council will be required to approve the dismissal as confirmed in Part 3 (Responsibility for Functions).

4.2 Group Heads

- a) The dismissal of a Group Head will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

4.3 Other Employees

- a) The dismissal of all other employees will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's disciplinary procedures, and may not be made by Councillors.

5.0 DISMISSAL FOR REDUNDANCY OR ANY OTHER SUBSTANTIAL REASON

5.1 Head of Paid Service

- a) The Full Council will be responsible for confirming the dismissal of the Head of Paid Service for redundancy or any other substantial reason.

5.2 Directors, Section 151 Officer, Monitoring Officer or Group Heads

- a) The dismissal of a Director, the Section 151 Officer, Monitoring Officer or a Group Head for redundancy or any other substantial reason will be the responsibility of the Head of Paid Service or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

5.3 Other Employees

- a) The dismissal of all other employees for redundancy or any other substantial reason will be the responsibility of the Head of Paid Service

CONSTITUTION 2021 – Version 2 (May 2022)
PART 6 – OTHER PROCEDURE RULES
SECTION 5 – OFFICER EMPLOYMENT RULES

or their nominee, in accordance with the Council's procedures, and may not be made by Councillors.

6.0 APPEALS

6.1 The Head of Paid Service, a Director, Section 151 Officer and Monitoring Officer shall have no right of appeal against disciplinary action within the Council that has been dealt with through the Statutory Officers' Investigatory and Disciplinary Committee, as set out in Part 3 (Responsibility for Functions).

6.2 A Director, the Section 151 Officer or Monitoring Officer shall have the right of appeal to the Staff Appeals Panel, or a Panel set up specifically for the purpose by the Group Head of Corporate Support or their nominee, where they feel that the outcome of a decision on redundancy or any other substantial matter is wrong or unjust.

6.3 Any other employee who feels that the outcome of disciplinary action or a decision on redundancy or any other substantial matter is wrong or unjust may appeal in accordance with the Council's procedures to the Head of Paid Service or their nominee. Where the policy allows, their final level of appeal will lie with the Staff Appeals Panel who will work to the Terms of Reference set out in the Constitution at Part 3 (Responsibility for Functions).

7.0 SETTLEMENT AGREEMENTS

7.1 The Head of Paid Service or Group Head of Corporate Support will be responsible for agreeing the terms of any Settlement Agreement in line with their delegated authority confirmed in Sections 2 and 3 respectively in the Officer Scheme of Delegation set out in Part 4 of this Constitution.

8.0 SUPPLEMENTARY PROVISIONS

8.1 In the event of the above Rules applying to a case involving an appointment or dismissal in relation to the Head of Paid Service, the references relating to the action to be taken in these Rules by the Head of Paid Service shall be undertaken by the Group Head of Corporate Support.