

Appendix 14 – Officer Employment Procedure Rules

These rules incorporate the standing orders required by Regulation 3(1) and Part II of Schedule 1 and Regulation 6/Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001.

1. Recruitment and appointment (general)

1.1 Declarations

- The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of any existing Councillor or officer of the Council; or of the partner of such persons. Every Member and Senior Officer of the Council must disclose to the Head of Paid Service any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Council. The Head of Paid Service or Chief Officer must bring any such disclosure to the attention of the Chair of the Employment Committee.
- 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 them.

1.2 Seeking support for appointment

- Subject to paragraph (iii) 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.
- Subject to paragraph (iii) no Councillor will seek support for any person for any appointment with the Council.
- Nothing in paragraphs (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and Senior Officers

For the purposes of this Part of the Constitution, a list of Senior Officers is provided in Part A of the Appendix.

Where the Council proposes to appoint the Head of Paid Service or a Senior Officer and it is not proposed that the appointment will be made exclusively from among their existing officers, the Director for People will: -

- (a) draw up a statement specifying:

- the duties of the officer concerned; and
 - any qualification or qualities to be sought in the person to be appointed;
- (b) 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
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointment Panel appointed for this purpose by the Employment Committee. The Appointment Panel must interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list. The Panel must be politically balanced but will not count in the overall allocation of seats to political groups because of its ad-hoc nature.

4. Appointment of Senior Officers

- (a) An Appointment Panel will appoint Senior Officers. The Panel will be appointed for this purpose by the Head of Paid Service in consultation with the Group Leaders and must be politically balanced. The Panel may comprise or include some or all the members of the Employment Committee.

5. Other Appointments

- (i) The appointment of officers other than as provided above, and 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. In this respect they have arranged for Chief Officers to exercise this function in respect of such staff within their Department (see para 12 of the table below).

It may be appropriate in some cases for Members to meet candidates in an informal environment. It may also be appropriate in limited circumstances for the relevant Committee Chair to speak with the head of department about the person specification prior to the post being advertised.

A list of posts for which such informal arrangements would be appropriate is provided in Part B of the Appendix.

- (ii) The recruitment of assistants to political groups will be carried out in accordance with the Council's proper processes but appointments will be made in accordance with the wishes of the political group to which the post has been allocated.

6. Disciplinary action in respect of the Head of Paid Service, Chief Finance Officer and Monitoring Officer:

Any disciplinary action in respect of the Head of Paid Service, Chief Finance Officer and Monitoring Officer will comply with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

7. Disciplinary action in respect of Senior Officers

- (a) The Head of Paid Service will be responsible for taking disciplinary action in respect of Senior Officers including their dismissal.
- (b) The Council's Disciplinary Procedure will apply, except in the case of disciplinary action in respect of the Chief Finance Officer or Monitoring Officer. The Head of Paid Service will consult the Director of People and the Director of Governance as to any disciplinary process or proposed disciplinary action relating to Senior Officers.

8. Disciplinary action in respect of other staff

Disciplinary action against or the dismissal of other staff will only be taken by the Head of Paid Service or their nominee. In this respect they have arranged for Chief Officers to exercise these functions in respect of such staff within their Departments (see para 8 of the table below).

Councillors will not be involved in disciplinary action against or the dismissal of any officer except (a) as provided in the Regulations referred to in Section 6 above, (b) where such involvement is necessary for any investigation or inquiry into alleged misconduct, in the case of political assistants (where such action will be taken after consultation with the relevant Group Leader).

9. Officers delegated powers in respect of staffing matters

- The Council has arranged for Chief Officers and the Director for People to take the decisions in respect of the employment of officers set out in the table below. In addition, Chief Officers may authorise officers in their Departments to exercise the powers set out in the table on their behalf.
- In addition, Managers are authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment, taking advice from the Director for People and any other specialist advisers as necessary.

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| Powers Delegated | Chief Officer(s) |
| Salaries and Wages and General Conditions of Service | Exercising Powers Delegated |

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| <p>1. To implement national agreements, except discretionary clauses not related to previous decisions taken by committees.</p> | <p>Director for People, and appropriate Chief Officer(s).</p> |
| <p>2. To determine gradings of posts (other than Senior Officer posts and reviews involving significant numbers of posts or where the changes give rise to significant cost implications).</p> | <p>For employees subject to the Conditions of Service of the National Joint Council for Local Government Services, the Director for People in accordance with grading policy and arrangements agreed as part of Modern Reward Strategy.</p> <p>For other categories of employees, the relevant Chief Officer subject to the Chief Officer consulting the Director for People.</p> |
| <p>3. To adjust locally agreed rates of pay provided any proposed adjustment follows closely adjustment agreed to national rates which existed prior to the local determination.</p> | <p>Director for People</p> |
| <p>4. To determine annual pay awards for Centrally Employed Teachers within the framework provided by the national School Teachers' Pay and Conditions Document</p> | <p>Executive Director of Children's Services, in consultation with the Director for People.</p> |
| <p>5. To exercise discretionary powers with regard to the Local Government Pension Scheme, within the policy framework agreed by the County Council.</p> | <p>Director of Governance, with Director for People.</p> |
| <p>6. To determine pay awards for Coroners within the framework provided by the national Joint Negotiating Committee for Coroners.</p> | <p>Assistant Director of Governance (Democratic and Regulatory Services)in consultation with Director for People.</p> |

| Miscellaneous Staffing Matters | |
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| 7. To recognise the contribution of staff over and above their contracted role in accordance with the Council's Recognition policy. | Director for People |
| 8. To reimburse in whole or part, as considered appropriate, but subject to a maximum amount of £2,500 , the amount of any fines and necessary legal costs incurred by employees in relation to Council business, where an infringement of the criminal law is alleged without any personal fault on the part of the employee concerned. | Appropriate Chief Officer in consultation with the Director of Governance. |
| 9. To make loans to employees for the acquisition of houses in accordance with an approved scheme. | Director for People in consultation with Executive Director Finance & Commercial Services & Commercial Services |
| 10. In consultation with all Party Leaders, to enhance the maximum amount payable under the relocation scheme up to £15,000 if it is considered necessary in order to be able to make an effective appointment. | Director for People. |

Appendix

Part A

Senior Officers for the purposes this section of the Constitution: Executive Director of Children's Services
Executive Director of Adult Social Services
Executive Director of Community and Environmental Services
Executive Director Finance & Commercial Services
Executive Director of Strategy and Governance
Director of Public Health
Chief Fire Officer
Director of Governance and Monitoring Officer
Head of Communications

This list will be updated from time to time to reflect changes to posts.

Part B

Members may be involved informally with the appointment of officers who report directly to Executive Directors and who have a lead role for a service.

Or

Members may be informally involved in appointments to the following posts

Lead Officers responsible for:

Adult Social Work and Health:

- Early Help and Prevention
- Social Work
- Commissioning
- Service Delivery

Children's Services:

- Education
- Children's Social Work
- Early Help
- Quality and performance

CES:

- Highways

- Transport
- Cultural Services
- Environment
- Planning
- Economic Development

Finance and Commercial Services:

- Property
- Budgeting and Financial Management
- Pensions Management and Treasury

Strategy and Transformation

- Human Resources
- Communications
- Intelligence and Analytics
- Strategy