



Part E – Officers
Section E3 – Employment Procedure Rules

In Part E:-

Section E1 of the Constitution explains the role of the authority's officers in general and the role of certain key and "statutory" or "proper" officers. It sets out the officer management structure and explains how the authority's functions are grouped together under Services and Directorates.

Section E2 contains the Officer Scheme of Delegation that sets out how Council has delegated powers to officers and how officers are to use those powers. In summary, with the exception of matters that are specifically reserved to Members by law or in this Constitution, such as adopting strategic policy and taking certain types of regulatory decisions, all of the other functions are delegated to officers. Officers may enter into contracts and incur expenditure but must do so within financial limits and procedures set out in the Finance and Contract Procedure Rules (Section F5).

This Section (E3) contains the Employment Procedure Rules.

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Part E – Officers
Section E3 – Employment Procedure Rules

In this Section:-

- 1. Introduction**
- 2. Officer Management Structure**
- 3. Statutory Officers**
- 4. Proper Officers**

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1. General

- 1.1 Staff or “**Officers**” within the organisation are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the organisation or individuals.
- 1.2 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Council.
- 1.3 Persons employed, appointed, designated or engaged by contractors under specific agreements or contracts are not staff of the Council, but are employees engaged by the contractor.
- 1.4 The Council will provide the necessary resources to support the appointed officer structure. Officers may be employees and other persons engaged on temporary contracts, consultancy arrangements or other appropriate terms.
- 1.5 Generally (except for certain senior staff appointments) the function of appointment and dismissal of and taking disciplinary action against a member of staff of the Council must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.

2. Recruitment and Appointment of Staff

- 2.1 Any candidate for any designation or appointment with the Council who knows that he/she is related to, or a close personal friend of, a Councillor or senior officer of the Council shall, when making an application, disclose, in writing, that relationship to the Head of HR.
- 2.2 A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.3 Every Councillor and employee shall disclose to the Head of HR any relationship known to him/her to exist between him/herself and any person



he/she knows is a candidate for a designation or appointment by the Council.

- 2.4 Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.
- 2.5 Persons shall be deemed to be related to a councillor or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 2.6 In the case of a dispute under paragraph 2.5 above about the status of a relationship in relation to an appointment, the Head of HR will rule and such ruling will be applied.
- 2.7 The Head of HR will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

3. Responsibility of the Employment Sub-Committees

- 3.1 In addition to these rules, the responsibilities of the Employment Sub-Committees are set out in the Committee Terms of Reference in Section B2.
- 3.2 Subject to the provisions of these Rules, the Disciplinary Appeals Committee is responsible for hearing and determining appeals as set out in the relevant Council policies. In determining employment matters, the Employment Sub-Committees will have regard to the appropriate provisions of this procedure.



4. Appointment of Head of the Paid Service

4.1 The appointment of Head of the Paid Service (as defined by the Local Government and Housing Act 1989 “**the 1989 Act**”) is subject to specific requirements as set out below.

4.2 Where the Council proposes to appoint to the Head of the Paid Service, the Appointments Sub-Committee will oversee the arrangements for filling the vacancy.

4.3 The Appointments Sub-Committee shall:-

- (a) draw up a statement specifying the duties of the role and any qualifications or guidelines to be sought in the person to be appointed;
- (b) where it is not proposed to appoint from existing employees, 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;
- (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
- (d) where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list;
- (e) following the interview of candidates, the Committee will come to a view as to the most suitable person to recommend for the position.

4.4 The Committee must advise the Head of HR of:-

- (a) the name of the person in question;
- (b) any other particulars which the Committee consider are relevant to the appointment.

4.5 The Committee will recommend that person for appointment to the next meeting of the full Council or at a specially convened meeting of the Council.



4.6 If the Council approve the recommendation, then a formal offer of appointment can be made.

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

Where the Council does not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

5. Other Chief Officers and Deputy Chief Officers

5.1 The offer of appointment for the following roles as defined by the 1989 Act:-

- (a) a statutory chief officer
- (b) a non-statutory chief officer
- (c) a deputy chief officer

must not be made until the Head of HR has been notified of the name of the person to whom proposed to be appointed along with any other relevant particulars which the Head of HR will approve and confirm that the proposed terms of employment fall within the Council's approved Pay Policy Statement.

6. Dismissal of Designated Statutory Officers

6.1 The Head of Paid Service, Monitoring Officer and Chief Finance Officer are the Designated Statutory Officers ("DSOs") for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001.

6.2 Dismissal of the DSOs will be dealt with in accordance with the IDC terms of reference set out in Section B2, together with the detailed guidance provided in the IDC Handbook and the Model Disciplinary Procedure and Guidance as set out in the JNC Conditions of Service Handbook. Notice of dismissal shall not be given before such dismissal has been approved by Full Council.