

Council Constitution

Part 4d - Officers Employment Procedure Rules

1. Recruitment and Appointment

Declarations

1. A candidate for any appointment under the Council who knows that s/he is related to any Member or Officer of the Council shall when making the application declare that relationship.
2. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
3. Every Member and Senior Officer of the Council (as defined in [Standing Order 43.3 – Part 4\(a\)](#) of the Constitution) shall disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person whom they know is a candidate for an appointment under the Council. Any such disclosure shall be reported to the Council or to the appropriate Panel by the Officer to whom they have been made.
4. The purport of the above rules shall be included in any form of application.
5. Any officer related to an applicant for a post with the Authority shall sign a declaration that he/she has not been involved with the appointment to such post.

2. Recruitment of Head of Paid Service and Senior Management Team

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

1. a statement to be drawn up specifying:-
 1. the duties of the officer concerned; and
 2. any qualifications or qualities to be sought in the person to be appointed;
2. 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
3. make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

The Full Council will approve the appointment of the Head of Paid Service following the recommendations of such an appointment by a Panel comprising the Executive Cabinet and three Members of the Opposition.

4. Appointment of Officers of the Senior Management Team

This process will be subject to proposed mandatory Standing Orders regulations.

1. The Executive Leader, an Officer, Deputy Executive Leader and the appropriate Executive Member (or substitutes) together with a Member of the Opposition shall be empowered to

appoint an Officer of the Senior Management Team except for the Head of Paid Service. Where the Senior Management Team includes all officers more senior than Service Unit Manager.

2. There shall be a Panel called the Senior Staffing Panel comprising the Executive Leader, Deputy Executive Leader, Chair of Council Business and a Member of the Opposition (or substitutes), subject to political balance rules, with power to deal with matters relating to the remuneration and terms of conditions of employment for the Chief Executive, or the appointment of an Officer of the Senior Management Team.

5. Other Appointments

1. Appointment of all other posts (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
2. Appointment of an Assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action

1. **Suspension:** The Head of Paid Service, Monitoring Officer and 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 two months.
2. The suspension of the Head of the Paid Service shall be made by the Executive Leader and Deputy Executive Leader together with the Chair of the Standards Committee.
3. **Independent Person:** : No other disciplinary action may be taken in respect of any of those officers (referred to in Rule 6(a) above) except in accordance with a recommendation in a report made by a designated independent person.
4. The Executive Leader together with the Deputy Executive Leader and Head of the Paid Service will have the power to be involved in disciplinary action against an Officer of the Senior Management Team.
5. Councillors will not be involved in the disciplinary action against any officer below the Senior Management Team except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.
6. The Head of Paid Service, the Monitoring Officer and the Section 151 Officer shall only be dismissed or other disciplinary action taken by full Council and only then following receipt of advice, views or recommendations in respect of dismissal or disciplinary action by the Senior Staffing Panel. The Senior Staffing Panel in these circumstances to comprise the Executive Leader, Deputy Executive Leader, Chair of the Council Business, a member of the opposition and two independent persons. Before the taking of a vote at the relevant meeting of the Council on whether not to approve dismissal, the Council must take into account, in particular:
 - (a) Any advice, views or recommendations of the Senior Staffing Panel;
 - (b) The conclusion of any investigation into the proposed dismissal;
 - (c) Any representations from the officer subject to the disciplinary action