

D8 - OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT - GENERAL RULES

1.1 Recruitment Policy

Recruitment of staff will be in accordance with the Council's adopted Recruitment Policy.

1.2 Declarations

(i) The Council will draw up a statement requiring any candidate for appointment to state in writing whether they are the spouse, partner, parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council; or of the spouse or partner of such persons.

(ii) 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. Every member and senior officer of the Council shall disclose to the Head of Paid Service any relationship known to him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.

(iii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Head of Service or, if the position is that of a Head of Service, the authority of the Head of Paid Service or other Chief Officer.

1.3 **Seeking support for appointment**

(i) 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.

(ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.

(iii) 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 employment.

1.4 **Proper Officer**

For the purposes of these Rules, the Proper Officer shall be the Head of Paid Service or in his/her absence, or if he/she is unable to act, one of the Council's other Chief Officers.

2. **RECRUITMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

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

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications 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

3.1 The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Committee determined by the Council, and following completion of the process set out in paragraph 3.2 below. No offer of appointment may be made until the Council has approved it.

3.2 An offer of appointment must not be made until:

- (i) The Proper Officer has been notified of the name of the person to whom the Appointments Committee wishes to make the offer, and of any other particulars considered relevant by the Committee;
- (ii) The Proper Officer has notified every member of the Cabinet of (a) the name of the person proposed to be offered the appointment; (b) any other particulars notified to the Proper Officer by the Appointments Committee; and (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and
- (iii) Either:
 - (a) the Leader has, within the period specified in the notice

under sub-paragraph (ii), notified the Council that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or

(b) the Proper Officer has notified the Council that no objection was received by him/her within that period from the Leader; or

(c) the Council is satisfied that any objection received from the Leader within that period is not material or is not well founded.

4. APPOINTMENT OF OTHER OFFICERS

4.1 Chief Officers will be appointed by an Appointments Committee determined by the Council.

4.2 The appointment of Heads of Service and Officers below Head of Service level (other than those that (i) are statutory officers and/or fall within the definition of Deputy Chief Officer; or (ii) are assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

4.3 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group (see also Rule 8 below).

4.4 An offer of employment as a Chief Officer, or to a post which falls within the definition of Deputy Chief Officer under the Local Government and Housing Act 1989, shall not be made until:-

(i) The Proper Officer has been notified of the name of the person to whom it is proposed to make the offer, and of any other particulars considered relevant by the appointer;

- (ii) The Proper Officer has notified every member of the Cabinet of
 - (a) the name of the person proposed to be offered the appointment; (b) any other particulars notified to the Proper Officer by the appointer; and (c) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and

- (iii) Either:
 - (a) the Leader has, within the period specified in the notice under sub-paragraph (ii), notified the appointer that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or

 - (b) the Proper Officer has notified the appointer that no objection was received by him/her within that period from the Leader; or

 - (c) the appointer is satisfied that any objection received from the Leader within that period is not material or is not well founded.

Note: 'Appointer' means the Council, Committee, Sub-Committee or Officer making the appointment, as the case may be.

5. DISCIPLINARY ACTION

5.1 Suspension.

The Head of Paid Service, Chief Finance Officer and Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will terminate no

later than the expiry of two months beginning on the day on which the suspension takes effect.

5.2 Designated Independent Person

No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person. The provisions in relation to the Designated Independent Person shall be in accordance with Regulation 7 of The Local Authorities (Standing Orders) (England) Regulations 2001 or any future provisions re-enacting, amending or replacing those provisions.

5.3 Councillor Involvement

Councillors will not be involved in disciplinary action against any officer at or below Head of Service level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct though the Council's disciplinary, capability and related procedures, as adopted from time to time, and such procedures may allow a right of appeal to Councillors in respect of Disciplinary Action.

6. DISMISSAL - HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

6.1 The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given.

6.2 Notice of dismissal may not be given to the above officers, or to a Deputy Chief Officer within the meaning of the Local Government and Housing Act 1989, until:

(i) The Proper Officer has been notified of the name of the person proposed to be dismissed, and of any other particulars considered

relevant by the Committee, Sub-Committee or officer proposing the dismissal;

(ii) The Proper Officer has notified every member of the Cabinet of (a) the name of the person proposed to be dismissed; (b) any other particulars notified to the Proper Officer in accordance with (i) above; and (c) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and

(iii) Either:

(a) the Leader has, within the period specified in the notice under sub-paragraph (ii), notified the Committee, Sub-Committee or officer proposing the dismissal that neither he/she nor any other member of the Cabinet has any objection to the dismissal; or

(b) the Proper Officer has notified the Committee, Sub-Committee or officer proposing the dismissal that no objection was received by him/her within that period from the Leader; or

(c) the Committee, Sub-Committee or officer proposing the dismissal is satisfied that any objection received from the Leader within that period is not material or is not well founded.

7. DISMISSAL - OTHER STAFF

7.1 The dismissal of Heads of Service and Officers below Head of Service level (other than those that (i) are statutory officers and/or fall within the definition of Deputy Chief Officer; or (ii) are assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

7.2 Councillors will not be involved in the dismissal of any officer at or below Head of Service level, 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, and such procedures may allow a right of appeal to Councillors in respect of a dismissal.

7.3 The dismissal of an assistant to a political group shall be made in accordance with the wishes of that political group (see also Rule 8 below).

8. APPOINTMENT/DISMISSAL OF ASSISTANTS TO POLITICAL GROUPS

8.1 The Local Government and Housing Act 1989 enables Councils to create not more than three posts of Assistants to Political Groups. It also specifies provisions which must be included in the Council's Rules relating to the making of appointments to any such posts, and these are set out below.

8.2 The provisions are included for completeness, given that Cotswold District Council has not decided to create any such posts.

8.3 This Rule shall apply where the Council has decided to exercise its powers under section 9 of the Local Government and Housing Act 1989 to make appointments to posts the duties of which are to provide assistance to members of a political group in the discharge of their function as members of the Council.

8.4 No such appointment shall be made until the Council has allocated such a post to each political group which qualifies for one under the Act; No such appointment shall be made in respect of any political group which does not qualify for one under the Act.

- 8.5 Not more than one such post shall be allocated to any political group.
- 8.6 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 8.7 The dismissal of an assistant to a political group shall be made in accordance with the wishes of that political group.

9. DEBATING EMPLOYMENT ISSUES

Where any question arises at a meeting concerning the appointment, promotion, dismissal, salary, conditions of service or conduct of any employee (as opposed to employees in general), the meeting shall resolve to exclude the press and public under the Access to Information Rules unless, for reasons that shall be stated in the resolution, it resolves otherwise.

(END)