

## **Appendix 4 – Officer Employment Procedure Rules**

### **1. Recruitment and Appointment of Officers of the Council**

- 1.1 The Council require any candidate for appointment as an officer under the Council to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing elected member or senior officer of the Council, or the partner of such persons.
- 1.2 Any candidate who fails to make any disclosure required under Paragraph 1.1 above shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.
- 1.3 Every elected member and senior officer of the Council shall disclose to the Council any relationship known to them to exist between themselves and a candidate for an appointment of which they are aware.
- 1.4 It shall be the duty of every Chief Officer and senior officer to whom such relationship is disclosed to record the disclosure and to notify the Deputy Chief Executive and Director for Corporate Services accordingly.
- 1.5 No candidate so related to an elected member of the County Council or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by them.
- 1.6 Where such relationship to an elected member of the County Council exists the elected member of the Council shall not take part in the consideration, or discussion of, or vote on, any question with respect to the appointment.
- 1.7 For the purpose of this section 'senior officer' means the holder of any politically restricted post.
- 1.8 The Council will disqualify any applicant who directly or indirectly seeks the support of any elected member of the County Council or Chief Officer for any appointment with the Council.
- 1.9 No elected member will seek support for any person for any appointment with the Council.
- 1.10 Nothing in paragraphs 1.8 or 1.9 shall preclude an elected member of the County Council or senior officer from giving a written testimonial



on a candidate's ability, experience or character for submission with or in connection with that candidate's application.

- 1.11 The requirements of paragraphs 1.1 to 1.10 will be made clear in the advertisement inviting applications for appointment and/or in any form of application supplied for use by candidates.

## **2. Recruitment of Head of Paid Service, Chief Officers and Wider Leadership Team**

- 2.1 Where the Council proposes to appoint the Head of Paid Service or a Chief Officer or a member of the Wider Leadership Team and it is not proposed that the appointment will 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 2.1 (a) to be sent to any person on request.

- 2.2 For the purpose of this Appendix the term 'Chief Officer' and 'Wider Leadership Team' mean the holders of posts of Chief Officer and Deputy Chief Officer within the meaning of those terms in the Local Government and Housing Act 1989.

## **3. Appointment and Dismissal of Head of the Paid Service – Special Provisions**

- 3.1 Where a Special Committee of the Council referred to in paragraphs 4 or 6 below is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of the Paid Service, the Council must approve that appointment before an offer of appointment is made to them or, as the case may be, must approve that dismissal before notice of dismissal is given to them.



#### **4. Appointment of the Head of the Paid Service, Chief Officers and Wider Leadership Team**

4.1 Subject to paragraph 3.1 above and 4.5 below the Special Committee of the Council will be responsible for appointing the Head of Paid Service, Chief Officers and Wider Leadership Team members.

4.2 Where a recruitment is proposed the Special Committee of the Council shall be established comprising:

- the Chairman of the County Council (or an elected member of the County Council nominated by them to represent them), together with;
- not less than one nor more than four Cabinet members nominated by the Leader of the Council; and
- an equal number of non-Cabinet members of the County Council nominated by the Chief Executive in consultation with the Group Leaders.

4.3 When recruiting the Head of Paid Service, the Special Committee shall select a long list of such qualified applicants for preliminary interview (or other selection process), short listing and interview.

4.4 When recruiting Chief Officers and Wider Leadership Team members the Chief Executive, in consultation with the Chairman and the Leader of the Council, shall select a long list of such qualified applicants for short listing and interview by the Special Committee.

#### **Offer of Appointment**

4.5 An offer of an appointment as Head of Paid Service, Chief Officer or Wider Leadership Team member shall not be made by or on behalf of the Special Committee until:

4.5.1 The Committee has notified the Proper Officer (i.e. the Deputy Chief Executive and Director for Corporate Services) of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment.

4.5.2 The Proper Officer has notified every Cabinet Member of the name of the person to whom the Committee wishes to make the offer, any other particulars relevant to the appointment which the Committee has notified; and the period within which any objection to the making of



the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer.

- 4.5.3 The Leader of the Council has, within the period specified under subparagraph 4.5.2 notified the Proper Officer that neither they nor any other Cabinet Member has any objection to the making of the offer; or the Proper Officer has notified the Committee that no objection was received by them within that period from the Leader of the Council; or the Committee is satisfied that any objection received from the Leader of the Council on behalf of the Cabinet within that period is not material or is not well-founded.

### **Where no appointment is made**

- 4.6 Where no qualified person has applied for the appointment; or no qualified applicant is selected for interview, or the Special Committee do not make an appointment then the Chief Executive shall (unless no appointment to the post is to be made) re-advertise the appointment under paragraph 2.1 above.

## **5. Remuneration for the Head of Paid Service and Chief Officers**

- 5.1 The Special Committee will have responsibility for matters relating to the remuneration, as defined in the Localism Act 2011, of the Head of Paid Service and Chief Officers (“the Senior Leadership Team”).
- 5.2 When required the Special Committee will be established comprising the following members:
- The Chairman of the County Council (or an elected member of the County Council nominated by them to represent them), together with;
  - not less than one nor more than four Cabinet members nominated by the Leader of the Council; and
  - an equal number of non-Cabinet members of the County Council nominated by the Chief Executive in consultation with the Group Leaders.
- 5.3 The Special Committee will have the authority to:
- make decisions in respect of all and any issues relating to remuneration and allowances of the Senior Leadership Team during employment (including the use of settlement agreements as appropriate); and



- make changes to the Senior Leadership Team remuneration strategy which may impact on the remuneration for individual officers.

## **6. Disciplinary action (including Dismissal) in respect of the Head of Paid Service, Chief Officers and Wider Leadership Team**

- 6.1 For the purposes of this Section of this Appendix the term 'disciplinary action' is limited to dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, and such other disciplinary action not amounting to dismissal as requires the involvement of a Special Committee in order to meet the County Council's obligations under the terms and conditions of service of that officer; but not further or otherwise.
- 6.2 The Special Committee of the Council will have responsibility for disciplinary action in respect of the Head of Paid Service, Chief Officers and Wider Leadership Team members.
- 6.3 When required the Special Committee will be established comprising the following members:
- The Chairman of the County Council (or an elected member of the County Council nominated by them to represent them), together with;
  - not less than one nor more than four Cabinet members nominated by the Leader of the Council; and
  - an equal number of non-Cabinet members of the County Council nominated by the Chief Executive in consultation with the Group Leaders.
- 6.4 In cases of urgency the Special Committee may be appointed by the Chairman of the County Council on behalf of the Council and the action of the Chairman of the County Council shall be reported to the next following meeting of the Council.

### **Dismissal**

- 6.5 Notice of the dismissal must not be given by or on behalf of the Special Committee referred to above until:
- 6.5.1 The Committee has notified the Proper Officer [Deputy Chief Executive and Director for Corporate Services] of the name of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal.



- 6.5.2 The Proper Officer has notified every Cabinet Member of the name of the person who the Committee wishes to dismiss, any other particulars relevant to the dismissal which the Committee has notified and the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer.
- 6.5.3 The Leader of the Council has, within the period specified under paragraph 6.5.2 notified the Proper Officer that neither they nor any other Cabinet Member has any objection to the dismissal; or the Proper Officer has notified the Committee that no objection was received by them within that period from the Leader of the Council; or the Committee is satisfied that any objection received from the Leader of the Council on behalf of the Cabinet within that period is not material or is not well-founded.

### **Dismissal of a Statutory Officer - Special Provisions**

- 6.6 A Statutory Officer (which for this purpose is defined as the Head of the Paid Service, the Monitoring Officer and the Chief Financial Officer) may not be dismissed by the authority unless the procedure set out below is complied with.
- 6.7 The Special Committee established under paragraph 6.3 must, in addition, include at least two relevant independent persons (which for this purpose means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate).
- 6.8 The relevant independent persons who have accepted an invitation to be on the Special Committee for this purpose must be appointed in accordance with the following priority order—
- a relevant independent person who has been appointed by the authority and who is a local government elector;
  - any other relevant independent person who has been appointed by the authority;
  - a relevant independent person who has been appointed by another authority or authorities.
- 6.9 The Council is not required to appoint more than two relevant independent persons but may do so.



- 6.10 The Special Committee must convene at least 20 working days before a meeting of the Full Council to consider whether or not to approve a proposal to dismiss a Statutory Officer.
- 6.11 The Full Council must approve the dismissal of a Statutory Officer before notice of dismissal is given to that person.
- 6.12 Before the taking of a vote at the relevant meeting of the Full Council on whether or not to approve such a dismissal, the authority must take into account, in particular:
- a. any advice, views or recommendations of the Special Committee;
  - b. the conclusions of any investigation into the proposed dismissal; and
  - c. any representations from the relevant officer.
- 6.13 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Special Committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.

## **7. Appointment and dismissal of the Officer designated as the Director of Public Health**

### **Appointment**

- 7.1 The appointment of the Director of Public Health is to be made by the Special Committee in accordance with paragraph 4 above but such appointment is subject to the approval of the Secretary of State and must also follow the procedure set out in this section.
- 7.2 The Council must design a job description that includes specialist public health leadership and an appropriate span of responsibility for improving and protecting health, advising on health services and ensuring that the impact on health is considered in the development and implementation of all policies.
- 7.3 The Council must make considerable effort to agree the job description with the Faculty of Public Health and the Public Health England Regional Director, to ensure that the job description covers all the necessary areas.
- 7.4 The Council must establish an Advisory Appointments Committee to make recommendations to the Special Committee on the appointment.





#### 7.5 The Advisory Appointments Committee should include:

- an external professional assessor, appointed after consultation with the Faculty of Public Health;
- the Chief Executive of the Council or their nominated deputy;
- senior local NHS representation;
- the Public Health England regional director, or another senior professionally qualified member of Public Health England acting on their behalf; and
- in the case of appointments to posts which have teaching or research commitments, a professional member nominated after consultation with the relevant university.

7.6 In addition to the appointments in paragraph 7.5 above, the Council may appoint additional members as it considers appropriate to the Advisory Appointments Committee, but the majority of the Committee should consist of employees of the Council and professional members.

7.7 The Advisory Appointments Committee may be chaired by a lay member, such as an elected member of the Council (e.g. the Chair of the Health and Wellbeing Board or the Cabinet Member with responsibility for Public Health matters).

7.8 Public Health England will also assist the Council in offering advice in relation to the recruitment and selection process and will also confirm to the Council the Secretary of State's agreement to the appointment.

7.9 The Council must assure themselves of the Director of Public Health's competency before appointing by ensuring that they:

- a. Undertake a Faculty of Public Health continuing professional development programme;
- b. Maintain a portfolio of training that demonstrates competence with all aspects of public health accepted by the UK Public Health Register.

#### **Dismissal**

7.10 The dismissal of the Director of Public Health will follow the procedure set out in paragraph 6 above subject to the additional provisions below.

7.11 The Council must consult the Secretary of State before dismissing the Director of Public Health.





- 7.12 The Council should contact Public Health England for advice on how to proceed with the consultation. Public Health England will then provide the Secretary of State's formal response within 21 days.
- 7.13 During the consultation period with the Secretary of State, the Council may suspend the Director of Public Health from their duties following the Council's standard rules and procedures.
- 7.14 Although the Council has a duty to consult with the Secretary of State regarding the dismissal of the Director of Public Health, the Secretary of State cannot refuse the Council permission to dismiss a Director of Public Health.
- 7.15 During the Director of Public Health's employment with the Council, if the Secretary of State believes that Director of Public Health is not properly carrying out any Secretary of State function that has been delegated to the Council, they can direct the Council to review the Director of Public Health's performance, and to consider taking particular steps and reporting back to the Secretary of State.
- 7.16 Before designating another officer as an Interim Director of Public Health, the Chief Executive must take all reasonable steps to ensure that the Interim Director meets the requirements of paragraph 7.9.

## **8. Appointment and Dismissal of other officers**

- 8.1 Appointments of officers who are not Head of Paid Service, Chief Officers or Wider Leadership Team members are the responsibility of the Head of the Paid Service or their nominee and may not be made by elected members of the County Council.
- 8.2 Elected members will not be involved in the dismissal of, or other disciplinary action against, any officer except where such involvement is necessary to assist any investigation or inquiry into alleged misconduct, or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to elected members.

## **9. Powers of Chief Officers in relation to employment matters**

- 9.1 Chief Officers, and those members of staff designated as having sub-delegated powers relating to staffing and personnel matters, are nominated by the Chief Executive for the purpose of taking decisions relating to staffing and personnel matters (including disciplinary action) unless:



- The decision relates to the early retirement or redundancy of one or more employees, in which case the appropriate and relevant Council arrangements shall apply.
- The decision relates to a variation in the grade or rate of pay of a post in which case the decision should be dealt with in accordance with the Council's approved procedures for job evaluation.
- The decision relates to a variation in the number and/or nature of Wider Leadership Team posts in which case the decision is reserved to the Chief Executive in consultation with the Leader and Deputy Leader of the Council. For the avoidance of doubt, a variation in nature occurs where a post is changed so significantly that it effectively amounts to the replacement of the existing post with a new post.

9.2 Decisions taken by Chief Officers using the powers delegated to them must be consistent with County Council's policies and relevant legislation.

9.3 Honoraria payments for Chief Officers and members of the Wider Leadership Team will be approved by the Chief Executive in consultation with the Cabinet Member responsible for People Services at that time. All honorariums will be reviewed regularly.

9.4 Overseas visits by officers must be approved in advance and before departure by the relevant Chief Officer personally.

9.5 Before authorising discretionary payments to staff under the Local Authority (Discretionary Payments) Regulations 1996, the Local Government Pension Scheme Regulations, the Injury Benefits Scheme or the scheme for the reimbursement of legal costs (violence against staff), Chief Officers must consult the Deputy Chief Executive and Director for Corporate Services and the Director of Finance.

