

SECTION H - OFFICER EMPLOYMENT PROCEDURE RULES

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended

1. RECRUITMENT AND APPOINTMENT

Declarations

- 1.1 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 an existing Councillor or Officer of the Council, or of the partner of such persons.
- 1.2 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 him/her.

Seeking Support for appointments

- 1.3 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.
- 1.4 No Councillor will seek support for any person for any appointment with the Council. Any breach of this provision will be referred to the Audit and Standards Committee

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 2.1 Where the Council proposes to appoint a Head of Paid Service or other Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:-
 - 1) draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
 - 2) make suitable 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.
- 2.2 For the purposes of these Rules a "Chief Officer" means a Director, statutory section 151 officer, statutory monitoring officer and Head of Service.

3. APPOINTMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 3.1 The full Council will appoint the Head of Paid Service on recommendation from the

Joint Staffing Committee (JSC).

3.2 The JSC will appoint Chief Officers

3.3 An offer of employment as the Head of Paid Service or a Chief Officer shall only be made following compliance with the following procedure:-

- a. JSC has notified the HR Manager of the name of the person to whom it is proposed to make the office and any other particulars JSC considers are relevant to the appointment
- b. The HR Manager has notified every member of the Cabinet of;
 - i. The name of the person to whom it is proposed to make the offer
 - ii. Any other particulars relevant to the appointment which have been notified to the HR Manager
 - iii. The period within which any objections to the making of the offer is to be made to the HR Manager by the Leader on behalf of the Cabinet
- c. And either;
 - i. The Leader has within the period specified in the notice under paragraph 3.3b) above notified the JSC that neither he/she or any other member of the Cabinet has any objection to the making of the offer
 - ii. The HR Manager has notified JSC that no objection was received by him/her within that period from the Leader; or
 - iii. The JSC is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4. OTHER APPOINTMENTS

Officers below Heads of Service

4.1 Appointment of officers below Heads of Service (other than an Assistant to Political Group) is the responsibility of the Head of Paid Service or relevant Director or other officer nominated by him.

Assistants to Political Groups

4.2 Appointment of an Assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

5. APPOINTMENT TO BE ON MERIT

All appointments (other than as an Assistant to a Political Group) shall be made on merit irrespective of race, ethnicity, gender, or religious or political beliefs or affiliations;

6. DISCIPLINARY ACTION

6.1 Disciplinary Action against the Head of Paid Service, statutory Chief Finance Officer and statutory Monitoring Officer

- 6.1.1 Disciplinary action against the Head of Paid Service, statutory Chief Finance Officer and Monitoring Officer will be in accordance with the Council's agreed Disciplinary Policy and Procedures except that disciplinary actions in the form of the issue of a notice of dismissal can only be taken in compliance with paragraphs 6.1.2 and 7 below.
- 6.1.2 The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the following procedure is complied with:
- i. The Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 by the Council and by South Bucks District Council are invited to be considered for appointment to a Joint Panel (the Panel) established by the JSC for the purpose of advising the council on matter relating to the dismissal of statutory officers, with a view to appointing at least two such persons to the Panel.
 - ii. The Council must appoint to the Panel such relevant IPs who have accepted an invitation in accordance with the following priority order:
 - a. An IP who is an local government elector in the Council's area or the area of South Bucks District Council
 - b. Any other IP
 - c. An IP who has been appointed by another council or councils
 - iii. The Council is not required to appoint more than two IPs but may do so.
 - iv. The Panel must be appointed at least 20 working days before a meeting of Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
 - v. Before the taking of a vote on whether or not to approve such a dismissal the Full Council must take into account, in particular-
 - a. Any advice, views or recommendations of the Panel;
 - b. The conclusions of any investigation into the proposed dismissal; and
 - c. Any representations from the relevant officer.
 - vi. Any remuneration, allowances or fees paid by the Council to an IP appointed to the Panel must not be exceed the level of remuneration, allowances or fees paid to that IP in respect of the person's role as IP under the Localism Act 2011.

6.2 Disciplinary Action against Directors and Heads of Service

Disciplinary action against Directors and Heads of Service (other than the Chief Finance Officer and Monitoring Officer) will be in accordance with the Council's agreed Disciplinary Policy and Procedures. In addition, disciplinary action in the form of the issue of notice of dismissal can only be taken following compliance with paragraph 7 below.

6.3 Disciplinary Action against Officers below Heads of Service

Disciplinary action in relation to Officers below Heads of Service will be in accordance with the Council's agreed Disciplinary Policy and Procedures.

6.4 Role of Councillors

Councillors will not be involved in disciplinary action (including dismissal) against any Officer below Heads of Service, other than as a member of the Appeals Committee, except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

7 Dismissal of Head of Paid Service and Chief Officers

Subject to Rule 6 above, the Council may not give notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer or Chief Officer until:

- a. The Panel or Head of Paid Services as appropriate has notified the HR Manager of the name of the person to whom it is proposed to dismiss and any other particulars the Panel or Head of Paid Service considers are relevant to the dismissal;
- b. The HR Manager has notified every member of the Cabinet of;
 - i. The name of the person to whom it is proposed to dismiss
 - ii. Any other particulars relevant to the dismissal which have been notified to the HR Manager
 - iii. The period within which any objections to the dismissal is to be made to the HR Manager by Leader on behalf of the Cabinet
- c. And either;
 - i. The Leader has within the period specified in the notice under paragraph 6.3.1 b) above notified the Panel that neither he/she or any other member of the Cabinet has any objection to the dismissal;
 - ii. The HR Manager has notified the Panel that no objection was received by him/her within that period from the Leader; or
 - iii. The Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.