

PART 4

(I) OFFICER EMPLOYMENT PROCEDURE RULES

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OEP1 **RECRUITMENT AND APPOINTMENT**

(a) Declarations

- i) The Council shall 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.
- ii) No candidate so related to a Councillor or an Officer shall be appointed without the authority of the relevant Service Director or an Officer nominated by him or her.

(b) Seeking support for appointment.

- i) Subject to paragraph (iii), the Council shall 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 shall seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above shall preclude a Councillor or the Mayor from giving a written reference for a candidate for submission with an application for appointment.

OEP2 **RECRUITMENT OF THE CHIEF EXECUTIVE, EXECUTIVE DIRECTORS AND SERVICE DIRECTORS**

Where the Council proposes to appoint the Chief Executive, or an Executive Director or a Service Director, the Council shall:-

(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 (i) of Rule OEP1 to be sent to any person on request

OEP3 **APPOINTMENT OF THE CHIEF EXECUTIVE**

- (a) The Council shall approve the appointment of the Chief Executive following the recommendation of such an appointment by the Appointment Committee of the Council

- (b) An offer of an appointment as Chief Executive must not be made by the Council until:
 - (a) the Council has notified the Service Director for Human Resources of the name of the person to whom the Council wishes to make the offer and any other particulars which the Council considers are relevant to the appointment
 - (b) the Service Director for Human Resources has notified every member of the Cabinet of:
 - (i) the name of the person to whom the Council wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the Council has notified to the Service Director for Human Resources, and
 - (iii) 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 Service Director for Human Resources, and
 - (c) either
 - (i) the Leader has, within the period specified in the notice under OEP3(b) (b)(iii) notified the Council that neither he/she nor any other member of the Cabinet has any objection to the making of the offer
 - (ii) the Service Director for Human Resources has notified the Council that no objection was received by him or her within that period from the Leader, or
 - (iii) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

OEP4 APPOINTMENT OF EXECUTIVE DIRECTORS AND POSTS AT SERVICE DIRECTOR LEVEL

- (a) The Appointment Committee of the Council shall appoint Executive Directors and posts at Executive Director Level. Posts at an equivalent level within the Impact Partnership shall be dealt with as detailed at (e) below.
- (b) An offer of an appointment as an Executive Director or to a post at Service Director Level must not be made by the Appointment Committee until:
 - (a) the Appointment Committee has notified the Service Director for Human Resources of the name of the person to whom the Appointment Committee wishes to make the offer and any other particulars which the Appointment Committee considers are relevant to the appointment
 - (b) the Service Director for Human Resources has notified every member of the Cabinet of:
 - (i) the name of the person to whom the Appointment Committee wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the

Appointment Committee has notified to the Service Director for Human Resources, and
(iii) 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 Service Director for Human Resources, and

(c) either

- (i) the Leader has, within the period specified in the notice under OEP4(b)(b)(iii), notified the Appointment Committee that neither he/she nor any other member of the Cabinet has any objection to the making of the offer
- (ii) the Service Director for Human Resources has notified the Appointment Committee that no objection was received by him/her within that period from the Leader, or
- (iii) the Appointment Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded

(d) in circumstances

- (i) arising from the reduction in the numbers of Senior Managers and where ringfencing is involved, or
- (ii) in respect of temporary appointments, or
- (iii) in respect of acting arrangements and/or secondments recruitment arrangements be delegated to the Chief Executive/relevant Executive Director after consultation with the Chair of the Employment Committee, the relevant Cabinet Portfolio Holder and the opposition Portfolio Spokespersons

(e) appointments to posts seconded to the Impact Partnership shall be dealt with by the Impact Partnership with the involvement of an Officer of the Council, any appointment being subject to consultation by the relevant Executive Director or the Service Director for Human Resources with the Chair and Vice Chair of the Employment Committee.

OEP5 OTHER APPOINTMENTS

(a) Officers below Service Director-Related

Appointment of Officers below Service Director-related is the responsibility of the Service Director or his or her nominee, and may not be made by Members.

OEP6 NON-COUNCILLORS

- (a) OEP1 shall apply to any person who is not a Member but who is a member of a Committee or Sub-Committee of the Council or School or College Governing Body (but not an Advisory Committee) as they apply to Members of the Council.

STAFF ESTABLISHMENT AND FILLING VACANCIES

- (a) Subject to any relevant statutory provisions or any order made thereunder, the Council shall, from time to time, determine or amend the establishment of every Service of the Council and every Institution for which the Council is responsible, with the exception of schools which have delegated budgets under the School Standards and Framework Act 1998. No new post in an authorised establishment shall be created and no person shall be employed in addition to an authorised establishment unless the Council so agrees, or it is decided in accordance with powers delegated by the Council.
- (b) Any vacancy in a post on the authorised establishment of any Service and the conditions attaching to the appointment to that post shall be notified to all Service Directors employed by the Council and shall be publicly advertised except:-
- (i) where it is decided by the Council or in accordance with powers delegated by them that the vacancy should be filled by the promotion or transfer of a particular Service Director employed by the Council
 - (ii) where, because certain Officers employed by the Council have been displaced from their existing posts because of a need for redeployment or as a consequence of reorganisation of services, it is decided by the Council or in accordance with powers delegated by them that the vacancy should be filled in a specified manner
 - (iii) where, within six months of the filling of the vacancy, which had been publicly advertised, a similar vacancy occurs in a post on the authorised establishment of the same Service, in which case, one of the former applicants may be appointed by the person or body authorised by the Council to make the appointment.
- (c) Where a vacancy occurs in any existing office of Executive Director, the Chief Executive shall report that vacancy to the Employment Committee who shall decide, in the case of an Office which the Council is not required to fill by statute, whether or not the Office is necessary and, if so, what shall be the terms and conditions of the Office. No steps shall be taken to fill any such Office until a determination has been made by the Council with regard to such recommendations. The method of filling any such Office shall be determined by the Council generally, including the preparation of job descriptions and person specifications as appropriate, or in any particular case.
- (d) Where a vacancy is to be publicly advertised, in order that it may be circulated most effectively among persons who possess the necessary qualifications and experience for the post, it shall be advertised either in one or more newspaper or journal and/or through the agencies of the Department for Education and Employment.
- (e) Where a post has been publicly advertised as specified within Rule OEP7(d) above, the Council shall make arrangements to:-

- (i) Interview all applicants for the post or
- (ii) Select a shortlist of such applicants and interview those included on the shortlist

Where no qualified person has applied, the Council shall make further arrangements for advertisements in accordance with Rule OEP7(d) and (e) above.

- (f) Where the Council have decided to fill an Office of Executive Director which has become vacant, the Employment Committee may, if they think fit, recommend to the Council that some person shall be appointed on specified terms and conditions to carry out temporarily the duties of that office until the vacancy has been filled.
- (g) Every appointment of an Executive Director shall be made by the Council.
- (h) The terms of appointment or conditions of employment of every person holding a politically restricted post with the Council shall incorporate such requirements for restricting his or her political activities i.e. he or she shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he or she holds a politically restricted post under that local authority or any other local authority in Great Britain.

OEP8

DISCIPLINARY ACTION – CHIEF EXECUTIVE, SERVICE DIRECTOR FOR LEGAL AND DEMOCRATIC SERVICES AND SERVICE DIRECTOR FOR FINANCE AND PROCUREMENT

- (a) The Council shall approve the dismissal of or other disciplinary action in relation to the Chief Executive, the Service Director for Legal and Democratic Services or the Service Director for Finance and Procurement following the recommendation of dismissal or disciplinary action by the Disciplinary Committee of the Council.
- (b) The Disciplinary Committee of the Council shall be a politically balanced Committee of at least seven members, the membership of which shall accord with membership arrangements specified within Part 3 (Responsibility for Functions) of the Constitution.
- (c) Notice of the dismissal of the Chief Executive, the Service Director for Legal and Democratic Services or the Service Director for Finance and Procurement must not be given by the Disciplinary Committee until:-
 - (a) the Disciplinary Committee has notified the Service Director for Human Resources of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal
 - (b) the Service Director for Human Resources has notified every member of the Cabinet of:-

- (i) the name of the person whom the Disciplinary Committee wishes to dismiss
 - (ii) any other particulars relevant to the dismissal which the Committee has notified to the Service Director for Human Resources, and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Head of Personnel, and
- (d) either
- (i) the Leader has, within the period specified in the notice under OEP7(c)(b)(iii) notified the Disciplinary Committee that neither he/she nor any other member of the Cabinet has any objection to the dismissal
 - (ii) the Service Director for Human Resources has notified the Committee that no objection was received by him/her within that period from the Leader, or
 - (iii) the Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- (e) No disciplinary action in relation to the Chief Executive, the Service Director for Legal and Democratic Services or the Service Director for Finance and Procurement, except action described in OEP7(e) may be taken other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- (f) The action mentioned in OEP7(d) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

OEP9 **DISCIPLINARY ACTION – EXECUTIVE DIRECTORS AND POSTS AT SERVICE DIRECTOR LEVEL (OTHER THAN THE SERVICE DIRECTOR FOR LEGAL AND DEMOCRATIC SERVICES AND THE SERVICE DIRECTOR FOR FINANCE AND PROCUREMENT)**

- (a) The Disciplinary Committee shall approve the dismissal of, or other disciplinary action in relation to Executive Directors and Posts at Service Director Level (other than the Service Director for Legal and Democratic Services or the Service Director for Finance and Procurement).
- (b) Notice of the dismissal of an Executive Director or of a Post at Service Director Level (other than the Service Director for Legal and Democratic Services or the Service Director for Finance and Procurement) must not be given by the Disciplinary Committee until:-
 - (a) the Disciplinary Committee has notified the Service Director for Human Resources of the person whom the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal

- (b) the Service Director for Human Resources has notified every member of the Cabinet of:
 - (i) the name of the person whom the Disciplinary Committee wishes to dismiss
 - (ii) any other particulars relevant to the dismissal which the Committee has notified to the Service Director for Human Resources, and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Service Director for Human Resources, and

- (c) either
 - (i) the Leader has, within the period specified in the notice under OEP8(b)(b)(iii) notified the Employment Committee that neither he/she nor any other member of the Cabinet has any objection to the dismissal
 - (ii) the Service Director for Human Resources has notified the Committee that no objection was received by him/her within that period from the Leader, or
 - (iii) the Committee is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

OEP10 DISCIPLINARY ACTION – OTHER OFFICERS

- (a) Councillors shall not be involved in the dismissal of or disciplinary action in relation to any Officer below Posts at Service Director Level except where such involvement is necessary for any investigation or inquiry into alleged misconduct and also through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to Councillors in respect of such action.