

Part 4.8 - Officer Employment Procedure Rules

These Rules are designed to conform with the requirements of The Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended by The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2014).

In these rules the following terms are defined:

“chief officer” in relation to the Council means

(a) the Head of Paid Service;

(b) the Monitoring Officer;

(c) a statutory chief officer mentioned in paragraphs (a)(c) or (d) of section 2(6) of the Local Government and Housing Act 1989; or

(d) a non-statutory chief officer (within the meaning of section 2(7) of the local Government and Housing Act 1989)

And any reference to an appointment or purported appointment of a chief officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment.

“chief finance officer” means the officer having responsibility for the purposes of section 151 of the Local Government Act 1972 (financial administration) for the administration of the local authority’s financial affairs.

“disciplinary action” in relation to a member of staff means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent illness or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

“head of democratic services” means the officer designated under section 8 of the Local Government (Wales) Measure 2011

“head of paid service” means the officer designated under section 4(1) of the Local Government and Housing Act 1989 (designation and reports of head of paid service)

“member of staff” means a person appointed or holding a paid office or employment with the Council.

“monitoring officer” means the officer designated under section 5(1) of the Local Government and Housing Act 1989 (designation and reports of monitoring officer)

“remuneration” in relation to a chief officer has the same meaning as in section 43(3) of the Localism Act 2011 ie.

- (a) The chief officer’s salary or, in the case of a chief officer engaged by the authority under a contract for services payments made by the authority to the chief officer for those services,
- (b) any bonuses payable by the authority to the chief officer
- (c) any charges, fees or allowances payable by the authority to the chief officer;
- (d) any benefits in kind to which the chief officer is entitled as a result of the chief officer’s office or employment;
- (e) any increase in or enhancement of the chief officer’s pension entitlement where the increase or enhancement is as a result of a resolution of the authority; and
- (f) any amounts payable by the authority to the chief officer on the chief officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.

For details relating to appointments, composition and functions of the relevant Appointments Committees and Investigation Committees see Part 3 of the Council’s Constitution.

1. Recruitment and appointment

(a) Declarations

- i) 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.
- ii) 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.

(b) 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 appointment.

2. Recruitment of Head of Paid Service, Directors and Heads of Service

(i) Where the Council proposes to appoint a Chief Officer and the remuneration it proposes to pay is £100,000 or more per annum it 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 publicly 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 above to be sent to any person on request.

(ii) Where sub-paragraphs 2(i)(a)(i)&(ii) apply the Council is not required to take the step set out in sub-paragraph 2(i)(b) above if it proposes to appoint the chief officer for a period of no longer than 12 months.

(iii) determine the level, and any change in the level, of the remuneration to be paid to a chief officer

3. Appointment of Head of Paid Service

The full Council will approve the appointment of Head of Paid Service following the recommendation of such an appointment by Appointments Committee "A".

4. Appointment of Directors and Heads of Service

- 4.1 Appointments Committee "A" will appoint Directors.
- 4.2 Appointments Committee "B" will appoint Heads of Services including the Monitoring Officer and the Head of Democratic Services.

5. Short-listing for Appointment of Head of Paid Service, Directors and Heads of Service

5.1 The following arrangements shall apply for short-listing and appointment whether or not external candidates are to be considered:

	<u>Short-listing</u>	<u>Appointment by</u>
Chief Executive/Head of Paid Service	Appointments Committee "A"	Council on the recommendation of Appointments Committee "A"
Director(s)	Eight members of Appointments	Appointments

	Committee "A" reflecting the political balance of the Council and chosen on rota via alphabetical order (to also include the Executive Board Member within whose service area the post is located)	Committee "A"
Heads of Services	Relevant Director for the service concerned in consultation with the relevant Executive Board Member(s) and relevant Chair of Scrutiny Committee.	Appointments Committee "B"

- 5.2 Where no qualified person has applied who meets the essential requirements of the post, the persons responsible for short-listing applicants for the appointment shall be authorised not to proceed with the appointment and approve further arrangements for advertisement of the post(s) in accordance with paragraph 2(b) above.

6. Other appointments

(a) **Officers below Head of Services**

Appointment of officers below Heads of Service (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, except that the appointment of teachers and other staff of schools employed by the local education authority is dealt with by regulations made under Section 35(4) and (5) of the Education Act 2002.

(b) **Assistants to political groups.**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary action

- (a) The Head of Paid Service, Monitoring Officer and Chief Finance Officer and the Head of Democratic Services, or an officer to whom disciplinary action is proposed where the officer was, but at the time of the proposed disciplinary action no longer is, the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services and the alleged misconduct or, as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was one of those officers, 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. No other disciplinary action may be taken in respect of any of the above officers except in accordance with a recommendation in a report made by a designated independent person appointed by the Council's Investigation Committee.
- (b) Disciplinary action against Directors will be undertaken by Investigation Committee "A".

- (c) Disciplinary action against Heads of Service will be undertaken by Investigation Committee “B”.
- (d) Disciplinary action against an assistant to a political group is a matter for the political group that appointed that person.
- (e) Disciplinary action against, or suspension of teachers and other staff of schools employed by the local education authority is dealt with by regulations made under Section 35(4) and (5) of the Education Act 2002.
- (f) Councillors will not be involved in the disciplinary action against any officer below heads of service, 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, may allow a right of appeal to members in respect of disciplinary action.

8. Dismissal

- (a) The Head of Paid Service, Monitoring Officer and Chief Finance Officer and Head of Democratic Services and any officers who were in those posts at the time of the alleged misconduct or, as the case may be, the reason for the proposal for a dismissal may only be dismissed by full Council, after consideration of the report of a designated independent person appointed by the Council’s Investigation Committee.
- (b) Subject to (a) above, Directors may only be dismissed by Investigation Committee “A”.
- (c) Subject to (a) above, Heads of Service may only be dismissed by Investigation Committee “B”.
- (d) Councillors will not be involved in the dismissal of any officer below heads of services 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 will allow a right of appeal to the Appeals Committee.
- (e) Dismissal of an assistant to a political group is a matter for the political group that appointed that person. Dismissal of teachers and other staff of schools employed by the local education authority is dealt with by regulations made under Section 35(4) and (5) of the Education Act 2002.