

STANDING ORDERS

RELATING TO STAFF

1. In these standing Orders –

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"the 2001 Regulations" means the Local Authorities (Standing Orders) Regulations 2001;

"the Chief Finance Officer" has the same meaning as set out in Regulation 2 of the 2001 Regulations;

"disciplinary action" has the same meaning as in the 2001 Regulations;

"Independent Person" means a person appointed under Section 28 (7) of the Localism Act 2011 by the Authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Authority considers appropriate;

"Independent Persons Panel" means a committee appointed by the Authority under Section 102 (4) of the Local Government Act 1972 for the purposes of advising the Authority on matters relating to the dismissal of relevant officers of the Authority in accordance with Schedule 3 to the 2001 Regulations, including or comprising at least two Independent Persons who have accepted an invitation to be considered for appointment to the Panel and who have been appointed to it in accordance with the following priority order:-

- (a) An independent person who has been appointed by the Authority and who is a local government elector in the Authority's area;
- (b) Any other independent person who has been appointed by the Authority;
- (c) An independent person who has been appointed by another local authority or authorities;

"member of staff" means a person appointed to or holding a paid office or employment under the authority;

"Monitoring Officer" has the same meaning as set out in Regulation 2 of the 2001 Regulations; and

"Proper Officer" means the Head of Paid Service (or the Monitoring Officer if the Head of Paid Service is unable to act for any reason) for the purposes of the provisions in these Standing Orders.

2. Subject to paragraphs 3,4,7 and 8, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Head of Paid Service or by an Officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against –
 - (a) the Head of Paid Service;
 - (b) a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;
 - (d) a Deputy Chief Officer within the meaning of section 2(8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a Committee, Sub-committee or Officer is discharging, on behalf of the Authority, the function of the appointment or dismissal of the Head of Paid Service, the Authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

(2) Where a Committee, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the dismissal of the Chief Finance Officer or the Monitoring Officer, the Authority must approve that dismissal before notice of dismissal is given to that officer.

(3) Where a Committee or a Sub-committee of the Authority is discharging, on behalf of the Authority, the function of the appointment or dismissal of any Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one Member of the Executive must be a Member of that Committee or Sub-committee.
5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an Officer of the Authority, the Authority or, where a Committee, Sub-committee or Officer is discharging the function of appointment on behalf of the Authority, that Committee, Sub-committee or Officer, as the case may be.

(2) An offer of an appointment as an Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until –

- (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the Proper Officer has notified every Member of the Executive of the Authority of –
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
- (c) either –
 - (i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other Member of the Executive has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the appointor that no objection was received by him within that period from the Executive Leader; or
 - (iii) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

6. (1) In this paragraph and in paragraph 7, "dismissor" means, in relation to the dismissal of an Officer of the Authority, the Authority or, where a Committee, Sub-committee or another Officer is discharging the function of dismissal on behalf of the Authority, that Committee, Sub-committee or other Officer, as the case may be.

(2) Notice of the dismissal of an Officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until –

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Proper Officer has notified every Member of the Executive of the authority of –
 - (i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and

(iii) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and

(c) either –

(i) the Executive Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other Member of the Executive has any objection to the dismissal;

(ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the Executive Leader; or

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

7. (1) This paragraph applies if the dismissor proposes disciplinary action involving the dismissal of the Head of the Paid Service, Chief Finance Officer or Monitoring Officer.

The Appointments Committee has the power to suspend the Head of Paid Service, if suspension is deemed necessary to enable a full and fair investigation to be undertaken.

(2) Where this paragraph applies, the Staffing Committee will supply the Independent Persons Panel with the matters provided to members of the Executive under paragraph 6 and any other particulars relevant to the dismissal that the dismissor considers appropriate or that the Panel may reasonably require.

(3) The Independent Persons Panel will meet to consider what, if any, advice, views or recommendations to give to the Authority in deciding whether or not to approve the dismissal.

(4) The Authority will not meet to consider whether or not to approve the proposal of the Staffing Committee to dismiss the officer until a period of at least 20 days has elapsed from the appointment of the Independent Persons Panel.

(5) Before the Authority takes a vote at a meeting on whether or not to approve such a dismissal, they must take into account, in particular:-

(a) any advice, views or recommendations of the Independent Persons Panel;

- (b) the conclusions of any investigations into the proposed dismissal; and
 - (c) any representations from the officer.
- 8. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by –
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Officer Employment Procedure Rules

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 applicant 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 and Chief Officers

Where the Council proposes to appoint a Chief Officer, (i.e. a Executive Director or Director) 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 (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

(a) The full Council will appoint the Head of Paid Service on recommendation from the Council's Appointments Committee.

(b) The Appointments Committee will consist of the following Members:-

Leader of the Council

Deputy Leader of the Council

The Resources Portfolio Holder (or another Portfolio Holder to be selected by the Leader if the Leader considers the nature of a particular post warrants a particular Portfolio Holder)

The Scrutiny Co-ordinator or a Chair of a Policy and Performance Board (to be selected by the Leader of the Council)

Leader of the Liberal Democrat Group

Leader of the Conservative Group

(or their substitute provided that the Committee includes at least one Member of the Executive)

(c) The appointment of the Head of Paid Service may only take place where the requirements of the Council's Standing Orders relating to staff have been observed.

4. Appointment of Executive Directors, Directors, and the Director (Legal and Democratic Services)

(a) The Council's Appointments Committee will appoint all Executive Directors and Directors, and the Director (Legal and Democratic Services)

(b) The appointment of Executive Directors, Directors, and the Director (Legal and Democratic Services) may only take place where the requirements of the Council's Standing Orders relating to Staff have been observed.

5. **Other appointments**

(a) **Officers below Director.** Appointment of Officers below Director (other than assistants to political groups and an assistant to the Mayor) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

(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.

(c) Appointments may only be made where the requirements of the Council's Standing Orders relating to Staff have been observed.

6. **Disciplinary action**

(a) Councillors will not be involved in the disciplinary action against any Officer other than those appointed by or on the recommendation of the Appointments Committee 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.

(b) Disciplinary action against the Head of Paid Service and Executive Directors shall be the responsibility of the Council's Appointments Committee.

(c) Disciplinary action may only be taken when the requirements of the Council's Standing Orders relating to Staff have been observed.

7. **Dismissal**

(a) Councillors will not be involved in the dismissal of any Officer other than those appointed by/or on the recommendation of the Appointments Committee 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 dismissals.

(b) The decision to dismiss the Head of Paid Service, Executive Directors and Directors may only be taken by the Appointments Committee.

(c) The decision to dismiss the Head of Paid Service, the Chief Finance Officer or Monitoring Officer is subject to approval by full Council.

(d) A decision to dismiss an Officer from their employment with the Council may only be taken in compliance with the requirements of the Council's Standing Orders relating to Staff.

8. **Appointments Committee**

(a) The Appointments Committee will have responsibility for all decisions concerning the pay and terms and conditions of the Head of Paid Services, Executive Directors, Directors and the Director (Legal and Democratic Services).

(b) The Appointments Committee will have responsibility for all decisions concerning the pay and terms and conditions of all other staff except to the extent such matters are delegated to others in the Council's scheme of delegation.