

# Employment Procedure Rules

## 1. Recruitment and Appointment

### 1.1. Declarations

1.1.1. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are related to an existing Councillor or Officer of the Council; or the partner or ex-partner of such a person.

1.1.2. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Senior Officer (as set out in Appendix A) or an Officer nominated by him/her.

### 1.2. Seeking Councillor Support for Appointment

1.2.1. Subject to paragraph 1.2.3 below, 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.

1.2.2. Subject to paragraph 1.2.3 below, no Councillor will seek support for any person for any appointment with the Council.

1.2.3. Nothing in paragraphs 1.1.1 and 1.1.2 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

### 1.3. Senior Officer Posts Covered by These Rules

1.3.1 Except where stated in these rules, Parts 2 to 8 apply to the following posts: Chief Executive, Monitoring Officer, Section 151 Officer, Director, Heads of Functions and any other posts who are /become permanent members of the Senior Leadership Team. For the purposes of these rules, these posts will be referred to as 'Senior Officer Posts'. The current list of posts is set out at Appendix A but failure to include a post on this list will not exclude it from the provisions of these rules.

## 2. Recruitment

2.1. Where the Council proposes to recruit and appoint to a Senior Officer Post 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 post concerned; and
  - ii. Any qualifications or qualities to be sought in the person to be appointed;
  - iii. 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
  - iv. Make arrangements for a copy of the statement mentioned in paragraph (2.1.1) to be sent to any person on request.
- b) The Head of Performance and Governance is responsible for keeping this list up to date in the light of changes to the Council's organisational structure.

## 3. Employment Committee

3.1. The Council will appoint an Employment Committee (the Committee) as and when required to exercise all of its powers in relation to the appointment, discipline, grievances and dismissal of Senior Officer Posts, where not restricted or prohibited by law. References to the Committee include a sub-committee of the Committee established by it to carry out its functions.

3.2. The Committee must include at least one Member of the Executive. Where the Committee is considering the appointment or the dismissal of any Officer (excluding the dismissal of a Statutory Officer – see below), the Committee must also include at least one member of the Scrutiny Committee.

## 4. Appointment of Chief Executive (Head of Paid Service), Section 151 Officer and Monitoring Officer – the Statutory Officers

4.1 The Full Council will determine whether to approve the appointment of Statutory Officers following a recommendation by the Employment Committee.

4.2 The Council may only make or approve a Statutory Officer appointment, where no well-founded objection has been made by any Member of the Executive (see Part 8).

4.3 The Council has designated the Chief Executive to be its Head of Paid Service.

## 5. Appointment to Other Senior Officer Posts

5.1 The Staffing Committee has delegated authority to appoint all other senior officer posts, but an offer of employment shall only be made where no material or well-founded objection from a Member of the Executive has been received (see part 8).

5.2 **Officers not covered by these Rules:** Other than statutory assistants to political groups, all other appointments are the responsibility of the Chief Executive as Head of Paid Service, or her/his nominees, and may not be made by Councillors.

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

***Note:** The Council is not able to make any political assistant appointment until the Council has allocated posts to all political groups which qualify for one. The Council is required to consider the allocation of a political assistant to a political group in accordance with the relevant regulations. Non-qualifying groups are not allowed political assistants. More than one advisor per group is not permitted.*

## 6. Disciplinary Action Against and Dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer ('the Statutory Officers').

6.1 The Employment Committee has power to decide whether to investigate any allegation of misconduct by a Statutory Officer, all matters relating to the conduct of the

investigation (save as set out in 6.2) and may suspend the Statutory Officer on full pay whilst any investigation and/or any subsequent disciplinary process takes place.

6.2 Where the Statutory Officer is the Chief Executive the Employment Committee will follow the procedures set out in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook regarding the appointment of its' Independent Panel and any Independent Investigator and review of any suspension.

6.3 The Committee will consider the investigation report, any other evidence it considers relevant and the Officer will have an opportunity to state their case.

6.4 The Committee will consider whether disciplinary action is needed and, if so, the appropriate sanction. Where the proposed sanction is less than dismissal, the Committee will instruct Officers to implement any sanctions.

6.5 Where required, the Committee will consider an appeal against a disciplinary sanction. Where the Statutory Officer concerned is the Chief Executive, the Appeals Committee must be a politically balanced committee of five members who are not members of the Employment Committee and will include at least one Member of the Executive. An Appeals Committee's purpose is to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.

6.6 Where the Committee proposes dismissal:

- a) A Statutory Officer Independent Panel (the Panel) consisting of at least three Standards Regime Independent Persons drawn from the pool of Independent Persons of the principal councils in Somerset will be established to consider the matter and report its recommendations direct to Full Council.
- b) The Panel's recommendations will be independent of and separate to any recommendations made by the Employment Committee;
- c) The Panel must be established at least 20 working days before the Full Council meeting scheduled to consider any proposal to dismiss a Statutory Officer.

- d) Full Council will decide whether or not to approve the dismissal taking into account: the investigation and its conclusions; the Panel's recommendations and the recommendations of the Employment Committee, together with any representations by the relevant Statutory Officer. Statutory Officers will be allowed to attend this meeting and address Council. Following consideration Full Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes any Statutory Officer's final right of appeal against any decision to dismiss. The detailed process for considering such matters will be in accordance with such arrangements agreed by the Council subject to relevant statutory requirements.

## **7. Disciplinary Action Against and Dismissal of Other Senior Officers ('Non-Statutory Officers')**

7.1 The Employment Committee has power to decide whether to investigate any allegation of misconduct by a non-Statutory Officer, all matters relating to the conduct of the investigation and may suspend the non-Statutory Officer on full pay whilst any investigation is undertaken and/or any determine any subsequent disciplinary process that takes place.

7.2 The Committee has power to impose any sanction up to and including dismissal, subject to Section 8 below.

7.3 Where required, the Committee will consider an appeal against a disciplinary sanction or dismissal of a non-Statutory Officer.

## **8. Executive Objections to Appointments or Dismissals**

8.1. Where a committee makes the decision to appoint or dismiss a Senior Officer Post any Executive member has the right to object before an appointment is made or a notice of dismissal is given.

8.2 The Chief Executive will inform all Executive members about the proposed appointment or dismissal in writing. The Chief Executive will advise:

- a) The name of the person who is the subject of the proposed appointment or dismissal
- b) Any other particulars relevant to the appointment or dismissal which the Committee has notified to the Chief Executive
- c) That objections must be received within five working days; and
- d) That any objections must be made to the Leader of the Executive.

8.3. The appointment or dismissal can only be made if:

- a) There is no objection from the Members of the Executive within five working days;  
or
- b) An objection is received and considered by the Committee but is not considered to be material or well founded.

## **9. Organisational Restructuring**

9.1 Restructuring within a single Function Area is the responsibility of the relevant Head of Function or Director following consultation with the Chief Executive and all other Heads of Function/Director.

9.2 Restructuring involving more than one Function Area is the responsibility of the Chief Executive following consultation with all Heads of Function/Director.

9.3 Restructuring that affects all Function Areas is the responsibility of the Chief Executive, following consultation with all Heads of Function/Director, subject to the approval of the Executive.

9.4 Restructuring/changes to the senior management structure/senior officer posts is the responsibility of the Chief Executive, subject to the relevant requirements set out in these procedural rules.

## **10. Annual Pay Policy Statement**

10.1 Section 38 of the Localism Act 2011 requires the Council to prepare and publish a pay policy statement for the following financial year. The statement will set out the

authority's policies relating to remuneration of chief Officers and its lowest paid Officers; and the relationship between the remuneration of its chief Officers and that of its employees who are not chief Officers.

10.2 The annual pay policy statement for the following financial year will be adopted by Council before the end of March of each year. The Council has the power to amend the statement in-year.

## **APPENDIX A**

### **APPLICABLE POSTS**

Chief Executive

Section 151 Officer

Monitoring Officer

Executive Director and Deputy Chief Executive

Head of Customer

Head of Strategy

Head of Localities

Head of Communications and Engagement

Head of Performance and Governance

Head of Commercial, Investment and Change