

Part 20: Officer Employment Procedure Rules

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APPENDIX

20.1 Recruitment and appointment

20.1.1 Candidates for appointment as officers are required to state in writing whether they are the parent, grandparent, spouse/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 spouse/partner of such persons.

20.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Corporate Director or an officer nominated by him/her.

20.1.3 Subject to Rule 20.3 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. Subject to Rule 20.3 below, no councillor will seek support for any person for any appointment with the Council.

20.2 Recruitment of Head of Paid Service, Corporate Directors, Directors and Assistant Directors

20.2.1 Where the Council proposes to appoint the Head of Paid Service, a Corporate Director, Director or an Assistant Director and it is not proposed that the appointment be made exclusively from among its existing officers (including any officers of other Councils placed at its disposal under section 113 of the Local Government Act 1972), the Council will:

- i. draw up a statement specifying:
 - a. the duties of the officer concerned; and
 - b. any qualifications or qualities to be sought in the person to be appointed;
- ii. 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.

- iii. make arrangements for a copy of the statement mentioned in paragraph 20.1 to be sent to any person on request.
- iv. In the case of Head of Paid Service and Corporate Directors, interview all applicants (or, if appropriate, shortlist for interview) via a Committee or Sub-Committee of the Council.

20.3 Appointment of Head of Paid Service

- 20.3.1 Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Personnel Committee assisted, if the committee considers it appropriate, by an independent adviser. That Committee must include at least one member of the Executive and must receive confirmation from the Monitoring Officer that Rule 20.2 above has been complied with.
- 20.3.2 Full Council may only approve the appointment of the Head of Paid Service where no justified objection has been made by any member of the Executive. The incumbent Head of Paid Service will advise on whether or not such an objection is justified.

20.4 Appointment of Corporate Directors and Assistant Directors

- 20.4.1 The Personnel Committee shall appoint Corporate Directors whose role is exclusive to the Council assisted, if the committee considers it appropriate, by an independent adviser. That committee must include at least one member of the Executive and must receive a report from the Monitoring Officer confirming that Rule 20.2 above has been complied with.
- 20.4.2 An offer of employment as a Corporate Director, Director or an Assistant Director shall only be made where no justified objection from any member of the Executive has been received. The Head of Paid Service will advise on whether or not such an objection is justified.

20.5 Other appointments

- 20.5.1 Appointment of officers below Corporate Director level (other than any assistants to political groups) is the responsibility of the Head of Paid Service or their nominee and shall not be made by Councillors.
- 20.5.2 Appointment of any assistant to a political group shall be made in accordance with the wishes of that political group.

20.6 Disciplinary action

- 20.6.1 The Head of Paid Service, Monitoring Officer and Section 151 Officer (Chief Finance Officer) may be suspended whilst an investigation takes place into alleged misconduct by any of them. That suspension will be on full pay and last no longer than two months, None of these officers employed by the Council can be dismissed for misconduct other than via a resolution of Full Council following compliance with the procedure set out in the appendix to these Rules.
- 20.6.2 Councillors will not be involved in disciplinary action against any officer other than those referred to in Rule 20.6.1 above, and other Corporate Directors and Assistant Directors employed by the Council, though the Council's disciplinary, capability and related procedures, as adopted, from time to time may allow a right of appeal to Councillors in respect of dismissals.
- 20.6.3 With the exception of those officers mentioned in Rule 20.6.1 above, all other employees of the Council shall be subject to the Council's disciplinary, capability and related procedures.

20.7 Notification to Executive of proposed appointments and dismissals

- 20.7.1 No offer of appointment to the Head of Paid Service, a Corporate Director, Director or an Assistant Director post shall be made until:
- a. the appointor has notified the Proper Officer of the name of the proposed appointee and any other particulars which the appointor considers to be relevant to the appointment;
 - b. the Proper Officer has notified every Executive Member of the above and the period (which shall not be less than three working days, unless agreed otherwise with the Leader) within which any objection to the proposed appointment can be made by the Council Leader on behalf of the Executive; and
 - c. either no objection has been made by the Council Leader within the stated period or the appointor (having taken advice from the Head of Paid Service) considers any objection not to be justified.
- 20.7.2 No notice of dismissal shall be given to the Head of Paid Service, a Corporate Director, Director or an Assistant Director until:
- a. the dismissor has notified the proper officer of the name of the relevant officer and any other particulars which the dismissor considers relevant to the proposed dismissal;
 - b. the Proper Officer has notified every Executive Member of the above and the period (which shall be not less than five working days) within which any objection can be made to the proposed dismissal by the Council Leader on behalf of the Executive has elapsed; and
 - c. either no objection has been made by the Council Leader within the stated period or the dismissor (having taken advice from the Head of Paid Service) considers any objection not to be material.

APPENDIX

1. In the following paragraphs—
 - (a) “*the 2011 Act*” means the Localism Act 2011
;
 - (b) “*chief finance officer*”, “*disciplinary action*”, “*head of the Council’s paid service*” and “*monitoring officer*” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “*independent person*” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “*local government elector*” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Acts;
 - (e) “*the Panel*” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
 - (f) “*relevant meeting*” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) “*relevant officer*” means the chief finance officer, head of the Council’s paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
3. The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “*relevant independent person*” means any independent person who has been appointed by the Council or, Oxfordshire County Council or where there are fewer than two such persons, such independent persons as have been appointed by another council or councils as the Council considers appropriate.
5. Subject to paragraph 6, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—
 - (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the Council;
 - (c) a relevant independent person who has been appointed by another council or councils.

6. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 21 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the 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.
9. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.”