

CHAPTER 3 – 5 - OFFICER EMPLOYMENT PROCEDURE RULES

These Rules define how the Council will appoint Officers and take any necessary action in relation to their employment with the Authority.

The Council has designated certain Officers as Statutory Officers and/or Chief Officers. There are different rules on how the Authority recruits, appoints, takes disciplinary action and dismisses different levels of Officers.

1.0 Definitions

1.1 For the purpose of these Rules

- a) "Statutory Officer" means the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer;
- b) "Chief Officer" means:
 - i) a person for whom the Head of Paid Service is directly responsible;
 - ii) a person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the Head of Paid Service; and
 - iii) any person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to the Local Authority themselves, the Cabinet or any Committee or Sub-Committee of the Authority,

whose duties are not solely secretarial or clerical, or otherwise in the nature of support services;
- c) "Deputy Chief Officer" means a person who, as respects all or most of the duties of their post, is required to report directly (or is directly accountable) to a Chief Officer and whose duties are not solely secretarial or clerical, or otherwise in the nature of support services;

2.0 Recruitment and Appointment

2.1 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 Head of Paid Service or the relevant Chief Officer, or an Officer nominated by them.

- b) Seeking support for appointment
 - i) 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 sub-paragraph will be included in any recruitment information.
 - ii) No Councillor will seek support for any person for any appointment with the Council (including by way of providing a written reference for a candidate for submission with an application for appointment).

3.0 Recruitment of Statutory Officers and Chief Officers

3.1 Where the Council proposes to appoint a Statutory Officer or a Chief Officer, 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 (a) to be sent to any person on request.

4.0 Appointment of Statutory Officers, Chief Officers and Deputy Chief Officers

- 4.1 a) Council will appoint to the post designated as the Head of Paid Service following receipt of a recommendation from the Employment Committee.
- b) Appointment to the post designated by Council as the Chief Finance Officer (the Officer having responsibility for the purposes of section 151 Local Government Act 1972 for the administration of the authority's financial affairs – a “statutory chief officer” as defined in the Local Government and Housing Act 1989 and for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001) will be made in accordance with the provisions of these Rules which apply to Chief Officer posts.
- c) Appointment to the post designated by Council as the Monitoring Officer will be made in accordance with the provisions of these Rules which apply to Chief Officer posts.
- e) Appointment to Chief Officer posts will be made by the Employment Committee.
- f) Appointments to Deputy Chief Officer posts which are not within paragraphs c) or d) of this Rule will be made by the appropriate Chief Officer or their nominee.
- g) Members of the Employment Committee must undertake training in recruitment and selection before they can take part in the appointment process.

5.0 **Cabinet Involvement**

- 5.1 Where the Employment Committee is discharging, on behalf of the Council, the function of the appointment of any Officer referred to in Rule 4, at least three members of the Cabinet must be a member of that Committee and the Committee shall be politically balanced.
- 5.2 An offer of an appointment as Head of Paid Service, Chief Officer or Deputy Chief Officer must not be made by the appointer until:
- a) the appointer has notified the Head of Paid Service [the “proper officer” for this purpose] of the name of the person to whom the appointer wishes to make the offer, and any other particulars which the appointer considers are relevant to the appointment;
 - b) the Head of Paid Service has notified every Member of the Cabinet of -
 - i) the name of the person to whom the appointer wishes to make the offer;
 - ii) any other particulars relevant to the appointment which the appointer has notified to the Head of Paid Service; 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 Head of Paid Service; and
 - c) either:
 - i) the Leader has, within the period specified in the notice under paragraph b)(iii) above, notified the appointor that neither he nor any other Member of the Cabinet has any objection to the making of the offer;
 - ii) the Head of Paid Service has notified the appointor that no objection was received by them within that period from the Leader; or
 - iii) the appointor is satisfied that any objection received from the Leader within that period is not material, or is not well-founded.

6.0 **Other Appointments**

- 6.1 a) **Officers below Deputy Chief Officer.**
Appointment of Officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the relevant Chief Officer or their nominee and cannot be made by Members.
- b) **Assistants to political groups (if any).**
Appointment of any assistant to a political group shall be made in accordance with the wishes of that political group.

7.0 Disciplinary Action in respect of the Statutory Officers and Dismissal in respect of the Head of Paid Service

- 7.1 a) No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph b) below, may be taken by the Authority, or by a Committee or a Joint Committee on which the Authority is represented, or any other person acting on behalf of the Authority, 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).
- b) The action mentioned in paragraph a) above is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; 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.
- c) Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to that Officer.

8.0 Disciplinary Action in respect of Chief Officers and Deputy Chief Officers (other than the Statutory Officers) and Dismissal in respect of Chief Officers and Deputy Chief Officers

- 8.1 Subject to Rule 7, disciplinary action against, or the dismissal of, a Chief Officer or Deputy Chief Officer is the responsibility of the Head of Paid Service, or an Officer nominated by them.

9.0 Cabinet Involvement

- 9.1 Where a Committee of the Council is discharging, on behalf of the Council, the function of the dismissal of any Officer referred to in Rule 7 or 8,
- 9.2 Notice of the dismissal of the Head of Paid Service, Chief Officer or Deputy Chief Officer must not be made by the dismissor until:
- a) the dismissor has notified the Head of Paid Service [the “proper officer” for this purpose] of the name of the person to dismiss, and any other particulars which are considered relevant to the dismissal;
 - b) the Head of Paid Service has notified every member of the Cabinet of:
 - i) the name of the person whom the dismissor wishes to dismiss;
 - ii) any other particulars relevant to the dismissal which the dismissor has notified to the Head of Paid Service; 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 Paid Service; and

- c) either:
 - i) the Leader has, within the period specified in the notice under paragraph b)(iii), notified the dismissor that neither he nor any other Member of the Cabinet has any objection to the dismissal;
 - ii) the Head of Paid Service has notified the dismissor that no objection was received by them within that period from the Leader; or
 - iii) the dismissor is satisfied that any objection received from the Leader within that period is not material, or is not well-founded.

10.0 Disciplinary Action and Dismissal in respect of Other Staff

- 10.1 a) Disciplinary action against, or the dismissal of, a member of staff below Deputy Chief Officer (other than assistants to political groups) is the responsibility of Chief Officers or an Officer nominated by them.
- b) Members will not be involved in disciplinary action against, or the dismissal of, any Officer below Deputy Chief Officer, except:
 - i) where such involvement is necessary for any investigation or inquiry into alleged misconduct; and

11.0 Posts Shared with Other Local Authority

- 11.1 a) If Council approve the principle of sharing a post of Statutory Officer, Chief Officer or Deputy Chief Officer with one or more other local authorities, the appointment and dismissal of, or the taking of disciplinary action against, the Officer will be undertaken in accordance with the procedural rules of the employing authority, or otherwise as may be agreed between the authorities, provided always that Melton Borough Council has the opportunity to be represented proportionately at each stage of the process as if the action were being undertaken under these Rules.
- b) Paragraph a) does not prevent the Council agreeing in any particular case to any of the actions being undertaken by a Joint Committee, a Sub-Committee of that Committee or a Committee or Sub-Committee, or an officer of any of the authorities.

12.0 Temporary and Interim Appointments

- 12.1 a) When a post of Statutory Officer (other than the Head of Paid Service), Chief Officer or Deputy Chief Officer becomes vacant and, for whatever reason, it is desired to fill the vacancy for a limited period, the Head of Paid Service will consult the Leader, the relevant Portfolio Holder(s) and the Leader of the Opposition on the options for making an appointment.
- b) If the Head of Paid Service decides to seek to make a temporary appointment otherwise than through an employment agency, and the term of the proposed appointment is longer than six months, then the process will be in accordance with these Rules. If the proposed term is six months or shorter, then the

Head of Paid Service will make the appointment, subject to Rule 5 (Cabinet involvement).

- c) If the Head of Paid Service decides to seek to make an interim appointment through an employment agency, and the term of the proposed appointment is longer than six months, then the Head of Paid Service will consult the Leader, the relevant Portfolio Holder(s) and the Leader of the Opposition, and then comply with Rule 5, before making an appointment. If the proposed term is six months or shorter, then the Head of Paid Service will make the appointment, subject to Rule 5 (Cabinet involvement).
- d) If the vacant post is that of the Head of Paid Service, then Council will decide how it wishes to proceed.