

Gedling Borough Council Constitution

Section 24 – Staffing Rules

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Recruitment and appointment

1 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 senior officer of the Council, or of the partner of such persons.

(ii) No candidate so related to a councillor or senior officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

2 Seeking support for appointment

(i) Subject Rule 2(iii) any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified. The content of this Rule will be included in any recruitment information.

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(ii) Subject to Rule 2(iii), no councillor will seek support for any person for any appointment with the Council.

(iii) Nothing in Rules (2)(i) and (ii) will prevent a councillor from giving a written reference for a candidate for submission with an application for appointment.

3 Recruitment of Head of Paid Service and Chief Officers

When the Council proposes to appoint a chief officer as defined in the Local Authorities (Standing Orders) Regulations 1993 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 3(a) to be sent to any person on request.

4 (1) Where a post has been advertised as provided in Rule 3(b), the Council shall -

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the shortlist.

(2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with Rule 3(b).

5 Where the duties of a chief officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972 –

(i) The steps taken under Rules 3 and 4 may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned;

(ii) Any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or subcommittee of any of those authorities.

6 Appointment and dismissal

In this Part—

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“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “Leader” have the same meaning as in the Articles of the Constitution;

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

“proper officer” means an officer appointed by the council for the purposes of the provisions in this Part.

7 Subject to the following Rules 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 Council, by the Head of Paid Service or by an officer nominated by him/her.

8 Rule 7 shall not apply to the appointment or dismissal of, or disciplinary action against “Chief Officers” namely—

(a) the officer designated as the Head of Paid Service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts), namely the Chief Financial Officer;

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act, namely officers reporting directly to or directly accountable to the Head of Paid Service;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act, namely officers reporting directly to or directly accountable to a statutory or non-statutory chief officer; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

Officers who solely provide secretarial, clerical or support services are not regarded as a non-statutory chief officer or a deputy chief officer.

9 Appointment of Head of Paid Service and Chief Executive

(a) The full Council will approve the appointment of the Head of Paid Service and Chief Executive following the recommendation of such an appointment by the Appointments and Conditions of Service Committee. That committee must include at least one member of the Executive.

- (b) The full Council may only make or approve the appointment of the Head of Paid Service and Chief Executive where the procedure set out in Annex 1 has been completed.

10 Appointment of Statutory Chief Officers

- (a) The Appointments and Conditions of Service Committee will appoint the Statutory Chief Officer, namely the Chief Financial Officer. That committee must include at least one member of the Executive.
- (b) An offer of employment as a Statutory Chief Officer shall only be made where the procedure set out in Annex 1 has been completed.

11 Appointment of non-Statutory Chief Officers and Deputy Chief Officers

- (a) The Appointments and Conditions of Service Committee will appoint the following non-Statutory Chief Officers and Deputy Chief Officers:
- Directors
 - Heads of Service

That committee must include at least one member of the Executive.

- (b) The appointment of all other non-Statutory Chief Officers and Deputy Chief Officers is the responsibility of the Chief Executive or an officer nominated by him/her.
- (c) An offer of employment as a non-Statutory Chief Officer or Deputy Chief Officer (whether appointed by Appointments and Conditions of Service Committee or the Chief Executive or an officer nominated by him/her) shall only be made where the procedure set out in Annex 1 has been completed.

12 Appointment of Assistants to political groups

- (a) The Council has not approved the appointment of assistants to political groups. Should the Council agree to the introduction of such posts, the appointment must be in accordance of sub-paragraph (b).
- (b) Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. An offer of employment as an Assistant to a political group shall only be made where the procedure set out in Annex 1 has been completed.

13 Disciplinary action

- (a) Chief Officers listed in Rule 8 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 unless the investigator determines that it should

continue beyond that date; any such suspension would not exceed six months on full pay.

- (b) The procedure set out at Annex 3 must be followed in relation to any disciplinary action against the Head of Paid Service, Monitoring Officer or Chief Financial Officer.

14 Dismissal of Head of Paid Service, Chief Financial Officer and Monitoring Officer

- (a) The Appointments and Conditions of Service Committee will discharge the function of the dismissal of the officer designated as the Head of Paid Service, Chief Finance Officer, or Monitoring Officer. That committee must include at least one member of the Executive.

The full Council must approve that dismissal before notice of dismissal is given.

- (b) The full Council may only approve the dismissal where the procedure set out in Annex 2 and 3 has been completed.

15 Dismissal of other non-Statutory Chief Officers and deputy Chief Officers

- (a) The Appointments and Conditions of Service Committee will discharge the function of the dismissal of the following non-Statutory Chief Officers and Deputy Chief Officers:

- Directors
- Heads of Service

That committee must include at least one member of the Executive.

- (b) The dismissal of all other non-Statutory Chief Officers and Deputy Chief Officers is the responsibility of the Chief Executive or an officer nominated by him/her.
- (c) Notice of dismissal of a non-Statutory Chief Officer or Deputy Chief Officer (whether dismissed by Appointments and Conditions of Service Committee or the Chief Executive or an officer nominated by him/her) can only be given where the procedure set out in Annex 2 has been completed.

16 Dismissal of Assistants to political groups

- (a) Dismissal of an assistant to a political group shall be made in accordance with the wishes of that political group.

ANNEX 1 - APPOINTMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

1. This procedure applies to the appointment of the officers as listed in Rule 8(a)-(d). It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

2. (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, 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 Rule 8 must not be made by the appointor until—

(a) the appointor has notified the Monitoring 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 Monitoring Officer has notified every member of the Executive of the Council 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 Monitoring 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 Monitoring 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 Monitoring 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.

ANNEX 2 - DISMISSAL OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

1. This procedure applies to the dismissal of the officers as listed in Rule 8(a)-(d). It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

2. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, 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 Rule 8 must not be given by the dismissor until—

- (a) the dismissor has notified the Monitoring 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 Monitoring Officer has notified every member of the Executive of the Council 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 Monitoring 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 Monitoring 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 Monitoring 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.

ANNEX 3 - DISCIPLINARY ACTION AGAINST THE HEAD OF PAID SERVICE, MONITORING OFFICER OR CHIEF FINANCIAL OFFICER

1. This procedure applies to disciplinary action taken against the Head of Paid Service, Monitoring Officer or Chief Finance Officer. It has been incorporated into these Standing Orders, as required by the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

2. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority'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 Paid Service or Monitoring Officer, as the case may be.

3. A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

4. 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.

5. In paragraph 4 “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another Council or authorities as the Council considers appropriate.

6. Subject to paragraph 7, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 4 in accordance with the following priority order—

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- (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 authorities.

7. The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 6 but may do so.

8. The Council must appoint any Panel at least 20 working days before the relevant meeting.

9. 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.

10. 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.