

OFFICER EMPLOYMENT PROCEDURE RULES (OER)

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OFFICER EMPLOYMENT PROCEDURE RULES

PART I

1. ~~“Head of Paid Service” should be construed to read “City Director” and “Chief Executive” for the purposes of the Joint Negotiating Committee for Chief Executives.~~
2. ~~“Chief Officer” should be construed to read “Strategic Director”, which falls within the purview of the Joint Negotiating Committee for Chief Officers.~~
3. ~~“Deputy Chief Officer” should be construed to read “Service Director”, which falls within the purview of the Joint Negotiating Committee for Chief Officers.~~

OER1

Recruitment and appointment

(a) Declarations

- (i) ~~(i)~~ child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member of council ~~or~~ officer of the council; or of the partner of such persons.
- (ii) No candidate so related to a member of council or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

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(b) Seeking support for appointment

- (i) ~~(i)~~ any recruitment information.
- (ii) No member of ~~council will~~ council will seek support for any person for any appointment with the council.

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OER2

Recruitment of ~~head of paid service~~ chief officers and deputy chief officers

Where the council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

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- (a) draw up a statement specifying:

- (i) ~~(i)~~ the duties of the officer concerned; and

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- (ii) any qualifications or qualities to be sought in the person to be appointed;

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- (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.

OER3

Appointment of head of paid service

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

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Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

OER4

Appointment of chief officers and deputy chief officers

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

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- (a) A committee or sub-committee of the council will interview for the posts of chief officers and deputy chief officers. -That committee must include at least one member of the executive. All members of the committee or sub-committee must have received recruitment and selection training.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.

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- (c) The committee will be responsible for the appointment of chief officers and deputy chief officers, except those officers designated as follows:

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(i)

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(ii)

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(iii)

(iv)

Electoral Registration Officer

(v)

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(d) In the case of those appointments designated in (c) above the committee will recommend to full council accordingly.

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~~(d) In the case of those appointments designated in (c) above, the committee will recommend to full council accordingly.~~

OER5

Other appointments

(a) **Officers below deputy chief officer**

Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the paid service or their nominee, and may not be made by the Mayor or members of council.

(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) **Mayor's assistant**

Appointment of the Mayor's ~~a~~Assistant shall be undertaken by the Mayor, with appropriate officer support.

(d) **Compliance with Equalities & Employment Legislation**

Appointments of political ~~advisers~~ ~~assistants~~ and Mayor's ~~a~~Assistant must comply with equalities and employment legislation.

OER6

Disciplinary action

Neither the Mayor ~~n~~or members of council will be involved in ~~the~~ disciplinary action against any officer below deputy chief officer 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.

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OER7 Dismissal

(a) Neither the Mayor nor members of ~~council~~ council will be involved in the dismissal of any officer below deputy chief officer 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) Notice of dismissal of a chief officer or a deputy chief officer must not be given until the procedure set out in Annex 2 to these rules has been completed.

(c) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.

~~(c) Notice of dismissal of the head of paid service, a chief officer or a deputy chief officer must not be given until the procedure set out has been completed.~~

(d) The chief finance officer, head of the authority's paid service or monitoring officer may not be dismissed by the authority unless the procedure set out in Annex 3 to these rules has been followed.

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~~In the case of any proposed disciplinary action relating to protected senior officers such as the Head of Paid Service, the chief finance officer and the monitoring officer, the council will appoint an independent panel at least 20 working days before the decision-making meeting. The panel will consist of at least two designated independent persons who will be appointed in the following order:~~

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~~an independent person appointed by the authority and who is an elector in the authority's area;~~

~~any other independent person who has been appointed by the authority; and~~

~~finally, an independent person who has been appointed by another authority or authorities.~~

(e) ~~An investigation must be carried out prior to any final decision being made. In the event that it is concluded that there is a case to be heard, either of the following will apply:~~

~~Where dismissal is a possible outcome the decision will be made~~

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~~by full council who must consider any advice, views or recommendations from the independent panel, the conclusions of any investigation and any representations from the officer concerned. The council is expected to fulfill the requirement for an appeal as part of the process by considering the representations made by the officer concerned.~~

- ~~— In all other cases the disciplinary hearing will be conducted by a~~
- ~~— politically balanced panel of three suitably trained elected~~
- ~~— members, one of which must be an executive member. The~~
- ~~— panel will have access to advice from Human Resources and~~
- ~~— Legal Services.~~

Annex 1

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Appointment of ~~head of paid service,~~ chief officers and deputy chief officers

1. This procedure applies to the appointment of ~~the head of paid service,~~ chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.-
2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of appointment.-
3. An offer of an appointment as a relevant officer must not be made 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:-
 - (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 Mayor~~the Mayor on behalf of the executive to the proper officer; and
 - (c) either:-
 - (i) the Mayor has, within the period specified in the notice under subparagraph (b)~~(i)~~(iii), notified the appointor that neither s/he nor any 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/her within that period from the Mayor; or
 - (iii) the appointor is satisfied that any objection received from the Mayor within that period is not material or is not well-founded.

Annex 2

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Dismissal of chief officers and deputy chief officers

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1. This procedure applies to the dismissal of chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.

2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of dismissal.

3. Notice of the dismissal of a relevant officer 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;

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(b) the proper officer has notified every member of the executive of:

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(i) the name of the person who the dismissor wishes to dismiss;

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

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(iii) the period within which any objection to the dismissal is to be made by the Mayor on behalf of the executive to the proper officer; and

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(c) either:

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(i) the Mayor has, within the period specified in the notice under sub-paragraph (b) (iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;

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(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the Mayor; or

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

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Annex 3**Dismissal of the head of paid service, chief finance officer or monitoring officer**

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1. This procedure has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

2. In the following paragraphs:

(a) “the 2011 Act” means the Localism Act 2011;

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(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;

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(c) “independent person” means a person appointed under section 28(7) of the 2011 Act;

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(d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

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(e) “the 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;

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(f) “relevant independent person” means any independent person who has been appointed 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.

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(g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

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(h) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

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3. The authority 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.

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4. The authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

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(b) any other relevant independent person who has been appointed by the authority;

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(c) a relevant independent person who has been appointed by another authority or authorities.

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5. The authority is not required to appoint more than two relevant independent persons but may do so.

6. The authority must appoint any Panel at least 20 working days before the relevant meeting.

7. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

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

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(b) the conclusions of any investigation into the proposed dismissal; and

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(c) any representations from the relevant officer.

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8. Any remuneration, allowances or fees paid by the authority 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.