

## CHIEF OFFICER EMPLOYMENT PROCEDURE RULES

1. These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations').
2. An Appointments, Remuneration and Chief Officer Conduct Committee will make recommendations, as appropriate, to the Council in conjunction with any Independent Panel appointed, as necessary, under s102(4) of the Local Government Act 1972 with regard to the appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of any substantive post of Chief Officer (Director) and Head of Service, as defined in the Council's Pay Policy Statement (set out above) and the Committee's [Terms of Reference](#). The Committee will comprise of the Leaders of the Party Groups (or any Member appointed by them) and two Cabinet Members nominated by the Leader of the Council (one of whose remits shall, normally, be responsible for the relevant service area within which the Officer would be employed).
3. In addition to the requirements of paragraph 2 above, the Council will have due regard to guidance issued by [the Faculty of Public Health and Public Health England](#) on the appointment and remuneration of the Director of Public Health.
4. The appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of all other officers, including senior officers, as defined in the Council's Pay Policy Statement (set out above), shall be the responsibility of the Head of Paid Service or his/her nominee in line with the Pay Policy Statement and shall not be made by members, except in circumstances where terms upon the cessation of employment require Council approval, in line with statute or guidance issued by the Secretary of State, where paragraphs 8.2 and 8.3 will apply.
5. The appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of an assistant to a political group shall be made in accordance with the wishes of that political group.
6. In all cases, due regard will be given to the Council's employment policies and statutory regulations and guidance.
7. The Chief Executive is authorised to make decisions regarding:
  - acting up arrangements for Chief Officer (Director) positions (other than that of the Chief Executive) to cover periods of temporary planned or unplanned absence,
  - emergency cover arrangements for the statutory Chief Officer roles (other than the Chief Executive),

- the placement of interims at Chief Officer (Director) /Head of Service level, based on a clear business case;

in accordance with the Council's Pay Policy Statement, Chief Officer Employment Procedure Rules, Contract Standing Orders and relevant employment, procurement, legal and financial regulations and with any such decisions being reported to the Appointments, Remuneration and Chief Officer Conduct Committee, in line with normal procedures, within 6 months of that decision.

## **8. Recruitment and Appointment**

### **8.1. Declarations**

8.1.1. The application of any candidate for appointment shall state whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of a member or another officer of the Council or is the partner of such a person. Partners include husbands, wives and civil partnerships.

### **8.2. Seeking support for appointment**

8.2.1. The Council will disqualify any applicant who directly or indirectly seeks the support of any member for an appointment with the Council. The content of this paragraph shall be included in any recruitment information.

8.2.2. No member shall lobby on behalf of a candidate for an appointment with the Council.

### **8.3. Appointment of Chief Officers (Directors) and Heads of Service**

8.3.1. The Appointments, Remuneration and Chief Officer Conduct Committee will:

8.3.1.1. draw up a job description and specification setting out the duties of the post and the experience, knowledge, skills and qualifications to be sought in the person to be appointed;

8.3.1.2. determine the remuneration and other terms and conditions for the post, taking into account the Pay

Policy Statement, employment policy and statutory regulations and guidance

8.3.1.3. 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 for a copy of the job description and approved terms and conditions of the post to be sent to every applicant

8.3.1.4. undertake a selection process for all qualified applicants

8.3.1.5. make a recommendation to the Council upon an appropriate appointment.

8.3.2. The Appointments, Remuneration and Chief Officer Conduct Committee will normally be advised by the Head of Service responsible for Human Resources or Officer nominated by them provided that in relation to remuneration issues where appropriate it will be advised by the Director of South West Provincial Employers, or other suitably qualified person or organisation.

8.3.3. In the event that the Committee is unable to make an appointment, it will be responsible for agreeing what alternative arrangements will be made.

**8.4. Determination of the pay and remuneration in the event of the cessation of employment for Chief Officers and Heads of Service (see also paragraphs 9 and 10 below)**

8.4.1. The Appointments, Remuneration and Chief Officer Conduct Committee will:

8.4.1.1. make recommendations to the full Council on pay and remuneration, in line with the Council's Pay Policy Statement;

8.4.1.2. for the Director of Public Health, make recommendations in line with national Director of Public Health pay levels;

8.4.1.3. determine any requirement for a formal review of the relevant pay market;

8.4.1.4. where necessary, commission relevant research and analysis and make recommendations thereon.

## **9. Employment Procedures for Chief Officers (Directors) and Heads of Service**

- 9.1. Matters relating to redundancy, permanent ill-health, expiration of fixed term contracts and/or grievances will be dealt with under established local policies and processes.
- 9.2. Matters relating to capability/performance will also be dealt with under established local policies and processes, up to the point where dismissal may be considered, when the matter will then be referred to the [Disciplinary and Dismissal Policy for Chief Officers and Heads of Service](#), subject also to 9.3.2. and 9.3.3. below.

### **9.3. Disciplinary Action**

- 9.3.1. Any decision to take disciplinary action against or to dismiss any employee of the County Council shall be in line with the Council's Disciplinary Policy subject also to 9.3.2 and 9.3.3 below and, in the case of the Director of Public Health only, in line with Public Health England national policy.
- 9.3.2. No action may be taken by the Appointments, Remuneration and Chief Officer Conduct Committee - except for suspension - relating to the dismissal of either the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer other than in accordance with The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015) (No 881) and as set out below. Any such suspension shall be on full pay and terminate no later than the expiry of two months from the day on which the suspension takes effect unless the Committee has directed that it may continue beyond that period.
- 9.3.3. Where a Chief Officer (Director) is being dismissed, such dismissal must be approved by the Council and in the case of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer only, following consideration of those matters and any views or advice from an Independent Panel required under The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015) (No.881), as set out a paragraph 10 below.
- 9.3.4. Where a Chief Officer (Director) has had sanctions imposed by the Appointments, Remuneration and Chief Officer Conduct Committee (short of dismissal), there is a right of appeal to the Appeals (Chief Officer) Committee. It will hear appeals against action taken by the Appointments, Remuneration and Chief Officer Conduct Committee and then decide whether to confirm the sanction; impose no sanction; or impose a lesser sanction. The decision of the Appeals (Chief Officer) Committee is final.

## **10. Terms upon the cessation of employment**

- 10.1. In respect of the proposed dismissal of either the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the Appointments, Remuneration and Chief Officer Conduct Committee may appoint an Independent Investigating Officer (IIO) to examine the circumstances of the case and to advise the Committee on any action to be taken. That Committee will thereafter make a recommendation to the Council for consideration, including any terms for cessation of employment as set out below, in conjunction with the Independent Panel; thereby enabling the Council to have regard at the same time to any further advice or views of the Independent Panel established in accordance with The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015 (No 881) and the outcome of the aforementioned investigation and any views from the relevant Chief Officer.
- 10.2. An Independent Panel shall include at least two Independent Persons who have consented so to serve from amongst those previously appointed by the County Council or by another Council under s28(7) of the Localism Act 2011 and shall meet at least 20 working days before any meeting of the County Council at which any proposed dismissal is to be considered.
- 10.3. In all other cases of any disciplinary action against or dismissal of any other Chief Officer (Director) and on ceasing employment, the Appointments, Remuneration and Chief Officer Conduct Committee will determine and make recommendations to the Council whether any payments should be made. Such payments will only be made:
  - a) in circumstances where compensation is justified (for example on the grounds of redundancy) and
  - b) in accordance with statutory regulations and guidance and
  - c) in accordance with the Council's employment policies including the policy statement on employer severance and pension discretions allowed under the Local Government Pension Scheme and/or
  - d) where they comply with the specific term(s) of a Settlement Agreement.
- 10.4. In making recommendations the Committee shall take account of any data, advice, evidence or views collected from appropriate sources, including the Council's HR function, National and/or Regional Employers' Organisations, independent external pay data and submissions made by the Association of Local Authority Chief Executives on behalf of their members.