

GUILDFORD BOROUGH COUNCIL

OFFICER EMPLOYMENT PROCEDURE RULES

1. Recruitment and Appointment

(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 senior officer of the Council; or of the partner of such persons.
- (ii) A candidate who fails to disclose such a relationship may be disqualified for appointment and, if appointed, may be liable to dismissal without notice.
- (iii) No candidate so related to a councillor or a senior officer will be appointed without the authority of the relevant ~~Executive Head of Service~~ Director or an officer nominated by him or her.
- (iv) Every councillor and senior officer of the Council shall disclose to the Human Resources and Business Improvement Manager any relationship known to exist between him or her and any person who he or she knows to be a candidate for an appointment to the Council.
- (v) The Human Resources and Business Improvement Manager will report to the ~~Executive Head of Organisational Development~~ the Director of Corporate Services on any such required disclosures made to him or her.
- (vi) For the purpose of this rule, "senior officer" means any officer of the Council graded at ~~Senior Grade A and above~~ Band 6 and upwards.

(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 paragraph will be included in any recruitment information.
- (ii) No councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and ~~Executive Heads of Service~~ Directors

Where the Council proposes to appoint a Head of Paid Service or ~~Executive Head of Service~~ Director and it is not proposed that the appointment will be made exclusively from among its 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;

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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.
- (d) Where a post has been advertised in accordance with (b) above, the Council will:
 - (i) interview all qualified applicants for the post; or
 - (ii) select a short-list of qualified applicants and interview those included on the short-list.
- (e) Where no qualified person has applied, the Council will make further arrangements for advertisement in accordance with (b) above.

3. Appointment of Head of Paid Service

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council (before an offer of appointment is made to that person). That committee or sub-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 where no well-founded objection has been made by the Leader on behalf of the Executive following the Human Resources and Business Improvement Manager giving notice of the proposed appointment to all members of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 ('The 2001 Regulations').

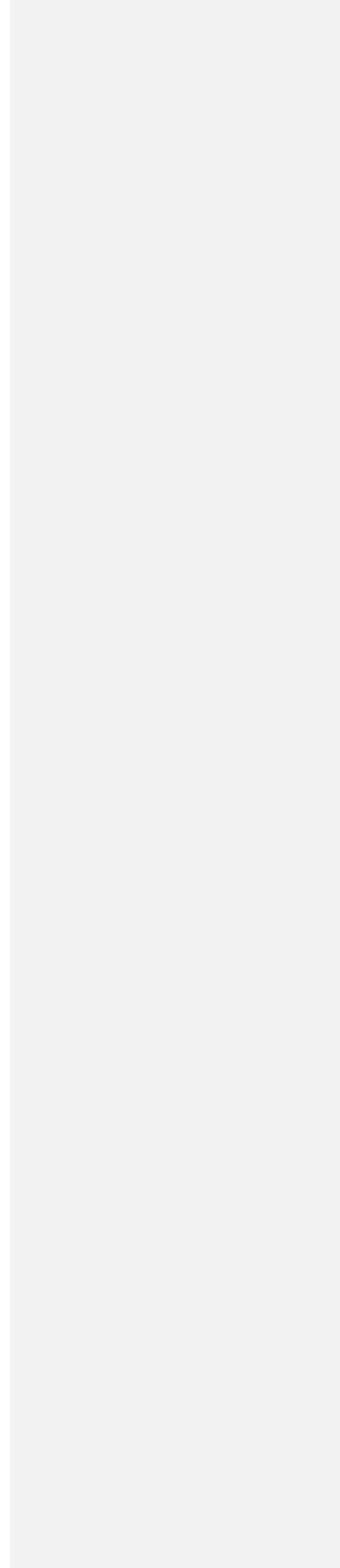
4. Appointment of ~~Executive Heads of Service~~ Directors, Monitoring Officer and S151/~~Chief Financial~~ Officer

- (a) The appointment of ~~Directors Executive Heads of Service, Monitoring Officer and S151 Officer~~ shall be undertaken by a committee or sub-committee of the Council. The appointment of the Monitoring Officer and s151/Chief Financial Officer (as referred to in paragraph xxx below) will be undertaken by Full Council (before an offer of appointment is made) following a recommendation from such Committee or Sub-Committee. Any such committee or sub-committee must include at least one member of the Executive.
- (b) An offer of employment as an ~~Directors Executive Head of Service~~, Monitoring Officer and S151/~~Chief Financial~~ Officer shall only be made where no well-founded objection from the Leader on behalf of the Executive has been received following giving of notice of the proposal as set out in paragraph 3(b).

5. Other Appointments

- (a) Subject to the provisions of the Local Government Acts 1972 and 2000, the Council shall appoint such officers as it considers necessary for the proper discharge of its functions or of another Council's functions which fall to be discharged by it and the carrying out of any obligations incurred in connection with an agreement made in pursuance of Section 113 of the Local Government Act 1972.

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- (b) An officer appointed under paragraph (a) above shall hold office on such reasonable terms and conditions as the Council thinks fit.
- (c) Appointment of officers below ~~Director Executive Head of Service~~ (other than assistants to political groups) is the responsibility of the Head of Paid Service or his or her nominee, and may not be made by councillors.
- (d) Appointment of an assistant to a political group pursuant to S9 Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group.

~~6. Disciplinary Action – Head of Paid Service, Monitoring Officer and S151 Officer~~

- ~~(a) 'Disciplinary action' is as defined in the 2001 Regulations and includes capability proceedings.~~
- ~~(b) No disciplinary action in respect of the Head of Paid Service, its Monitoring Officer or its Section 151 Officer, except suspension as described in the paragraph below, may be taken by the Council, a committee, a sub-committee, a joint committee – on which the Council is represented or any person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the 2001 Regulations (investigation of alleged misconduct).~~
- ~~(c) The Head of Paid Service, Monitoring Officer or Section 151 Officer may be suspended whilst an investigation takes place into the alleged misconduct. Any such suspension must be on full pay and terminate no later than two months from the day on which the suspension takes effect. Any further suspension must be in accordance with the provisions of Regulation 7 of the 2001 Regulations.~~

7.6. Dismissal and Disciplinary Action – General

Chief Finance Officer, Head of the Authority's Paid Service and Monitoring Officer
Head of Paid Service ("Relevant Officers" as defined in paragraph 7 below)

- (a) In accordance with para xxxx below, the full Council will approve the dismissal of/Disciplinary Action (as referred to in paragraph xxxx below) against a the Head of Paid Service a Relevant Officer (before notice is given to that person in the case of dismissal) following the a recommendation of dismissal by a committee or sub-committee of the Council the Panel (as referred to in the said para xxxx. That committee or sub-committee Panel must include at least one member of the Executive. Notice of dismissal of the Head of Paid Service a Relevant Officer shall only be given where no well-founded objection from the Leader on behalf of the Executive has been received following giving of notice of the proposal as set out in paragraph 3(b).

Directors Executive Heads of Service, Monitoring Officer and S151 Officer.

- (b) The dismissal of Directors Executive Heads of Service, Monitoring Officer or S151 Officer shall be undertaken by the Employment Committee or a sub-committee thereof. The Employment committee or sub-committee must include at least one member of the Executive. Notice of dismissal of a Director Executive Head of Service, Monitoring Officer or S151 Officer shall only be given where no well-founded objection from the Leader on behalf of the Executive has been received following giving of notice of the proposal as set out in paragraph 3(b).

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Officers Below ~~Director Executive Head of Service~~

- (c) The Managing Director, officers to whom she delegates and officers with the appropriate delegated authority may take disciplinary action against ~~Directors and take disciplinary action against~~ or dismiss officers below the level of ~~Director Executive Head of Service~~ (except the Monitoring Officer or ~~Chief Finance Officer/S151 Officer~~ in the event that those posts are not ~~Directors Executive Heads of Service~~). Councillors will not be involved in the dismissal of any officer below ~~Directors Executive Head of Service~~ (unless they are the Monitoring Officer or ~~Chief Finance Officer/S151 Officer~~)

7 ~~Disciplinary Action – Chief Finance Officer, Head of the Authority’s Paid Service and Monitoring Officer~~

1. In the following paragraphs:-

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) (i) “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;
- (ii) (Unless the context otherwise requires) for the purposes of this Constitution, Disciplinary Action shall include dismissal and capability proceedings
- (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 authority’s area in accordance with the Representation of the People Acts;
- (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 Disciplinary Action and/or dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve disciplinary action against a relevant officer; and
- (g) “Relevant Officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- (h) “The Authority” means Guildford Borough Council

2. (a) Subject to the following paragraph, a Relevant Officer may not be subject to Disciplinary Action by the Authority unless the procedure set out in in the following paragraphs has been complied with.

(b) The Relevant Officer may be suspended whilst an investigation takes place into the alleged misconduct. Any such suspension must be on full pay and

terminate no later than two months from the day on which the suspension takes effect.

(c) In relation to any suspension pursuant to paragraph (b) above, the Panel may direct:-

(i) that the authority terminate the suspension of the Relevant Officer;

(ii) that any such suspension must continue after the expiry of the said two month period

(iii) that the terms on which any such suspension has taken place must be varied in accordance with its direction

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.
4. In paragraph 3 above, "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
5. (Subject to paragraph 6 below), the Authority must appoint to the Panel such Relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 3 above 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;
 - (b) any other Relevant Independent Person who has been appointed by the Authority; and
 - (c) a Relevant Independent Person who has been appointed by another authority or authorities.
6. The Authority is not required to appoint more than two Relevant Independent Persons but may do so.
7. The Authority must appoint any Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve Disciplinary Action, the authority must take into account, in particular:-
 - (a) any advice, views or recommendations of the Panel and especially the Independent Persons thereon (and should they consider it necessary, the Independent Persons may give their advice, views and recommendations separately);
 - (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 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 an independent person under the 2011 Act

10. The appointments of Independent Persons referred to above may be carried out by the Monitoring Officer (unless the above procedures are being carried out in respect of the Monitoring Officer, in which case the appointments may be carried out by the Deputy Monitoring Officer or by one of the other Relevant Officers)