

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 4
11 MARCH 2019	PUBLIC REPORT

Report of:	Fiona McMillan Director of Law & Governance/Monitoring Officer Mandy Pullen, Assistant Director HR & Development	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member Resources	
Contact Officer(s):	Karen Craig, Senior Reward Advisor	Tel. 384514

OFFICER EMPLOYMENT RULES

RECOMMENDATIONS	
FROM: Fiona McMillan Director of Law & Governance/Monitoring Officer and Mandy Pullen, Assistant Director HR & Development.	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee</p> <p>1. Note and agree the proposed revisions to the Officer Employment Rules (Part 4 Section 9 of the Constitution).</p>	

1. ORIGIN OF REPORT

- 1.1 As part of the work programme for the Constitution and Ethics Committee the Officer Employment Rules have been reviewed.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The Officer Employment rules in the constitution need to be up to date and reflect accurately the ways of working for officers of the council.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its terms of reference number 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND

4.1 Certain changes have been suggested to improve the clarity of the document and ensure it is current and compliant with other policies and procedures. The most significant changes are as follows:-

- para. 5.4 and 8.10 which now includes brief details to cover staff who work in a shared arrangement with Cambridgeshire County Council
- para. 7.1 states that dismissals of other Chief Officers and Deputy Chief Officers will only be taken to Employment Committee if they are for performance or disciplinary reasons (this does not apply to Statutory Chief Officers).
- para 8.9 now confirms the position regarding dismissal appeals for staff below Deputy Chief Officer level which are heard by senior managers and not members of Employment Committee.

5. IMPLICATIONS

Financial Implications

5.1 The draft revised wording has been checked and approved by the Service Director Finance.

Legal Implications

5.2 The draft revised wording has been checked and approved by the internal legal department.

Equalities Implications

5.3 There are none.

6. APPENDICES

6.1 Appendix A - Copy of the Officer Employment Rules with proposed amendments highlighted in red text and areas to be deleted clearly marked as such.

APPENDIX A

Part 4 Section 9 - Officer Employment Procedure Rules

1. INTRODUCTION

- 1.1. The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. These rules govern the way that officers are appointed and dismissed and focus in particular on the role that elected members have in officer appointments and dismissals.

2. DEFINITIONS

- 2.1. In these rules:

- "Chief Officer" means a statutory chief officer or a non-statutory chief officer who, as respects all or most of the duties of his/her post, reports directly to the Head of Paid Service
- "Deputy Chief Officer" means a Service Director or Assistant Director who as respects all or most of the duties of his/her post, reports directly to a chief officer
- A Head of Service or position of an equivalent level or below shall not be regarded as a Chief Officer or Deputy Chief Officer even though they may report directly to a Chief Officer or the Head of Paid Service.

3. RECRUITMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 3.1. Where the Council proposes to appoint a Head of Paid Service, Chief Officer or Deputy Chief Officer the Council will draw up a statement specifying:
 - (a) the duties of the officer concerned (**included in a job description**); and
 - (b) any qualifications or qualities to be sought in the person to be appointed (**included in a person specification**).
- 3.2. Where it is proposed that the appointment will not be made exclusively from among their existing officers the Council will 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;
- 3.3. The Council will make arrangements for a copy of the statement mentioned above to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1. ~~The full council~~**Council** will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Employment Committee (or such other Committee as the Council shall determine), provided that the Committee includes at least one Cabinet Member
- 4.2. Before any recommendation is made by the Committee to Council, every Cabinet Member must be notified of:
 - (a) the name of the person to be appointed;
 - (b) any other particulars relevant to the appointment;
 - (c) the period within which objection to the appointment or dismissal is to be made; which shall be at least 2 clear days.
- 4.3. ~~The full council~~**Council** may only approve the appointment where no material or well-founded objection has been made by the Leader or Cabinet Member.

5. APPOINTMENT OF CHIEF OFFICERS & DEPUTY CHIEF OFFICERS

5.1 The Employment Committee will approve the appointment of Chief Officers and Deputy Chief Officers (as defined in 2.1 above) provided that the Committee includes at least one Cabinet Member. The relevant Cabinet Member is invited and entitled to attend the Employment Committee meeting in its entirety

5.2 Before any decision is made by the Committee every Cabinet Member must be notified of:

- (a) the name of the person to be appointed;
- (b) any other particulars relevant to the appointment;
- (c) the period within which objection to the appointment is to be made; which shall be at least 2 clear days.

5.3 The Committee may only approve the appointment of a Chief Officer or Deputy Chief Officer where no material or well-founded objection has been made by the Leader on behalf of himself or other Cabinet Member.

5.4 Any shared appointments should take account of the Joint Working Agreement document.

6 DISCIPLINARY ACTION & DISMISSAL OF THE HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

6.1 Council will approve the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer following a recommendation of dismissal by the Independent Panel.

6.2 Independent persons would be invited to be appointed to the panel in the following order of priority:

- An independent person who has been appointed by the council and who is a local government elector
- Any other independent person who has been appointed by the council
- An independent person who has been appointed by another council or councils

6.3 The Council will pay remuneration to the Independent Panel Members which shall be limited to the level of remuneration paid to independent persons who are members of the Standards Committee.

6.4 Before any recommendation is made by the Independent Panel to Council, every Cabinet Member must be notified of:

- (a) the name of the person to be dismissed;
- (b) any other particulars relevant to the dismissal;
- (c) the period within which objection to the dismissal is to be made; which shall be at least 2 clear days.

6.5 ~~The full council~~ Council may only approve the dismissal where no material or well-founded objection has been made by the Leader or other Cabinet Member.

6.6 The process to be followed will be as set out in the defined disciplinary process.

7 DISMISSAL OF OTHER CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

7.1 The Employment Committee will approve the dismissal (due to performance or disciplinary reasons) of all other Chief Officers and Deputy Chief Officers provided that the Committee includes at least one Cabinet Member

7.2 Before any decision is made by the Committee every Cabinet Member must be notified of:

- (a) the name of the person to be dismissed;
- (b) any other particulars relevant to the dismissal;
- (c) the period within which objection to the appointment or dismissal is to be made; which shall be at least 2 clear days.

7.3 The Committee may only approve the dismissal of a Chief Officer or Deputy Chief Officer where no material or well-founded objection has been made by the Leader on behalf of himself or other Cabinet Member.

8 APPOINTMENT AND DISMISSAL OF OTHER OFFICERS

- 8.1 Appointment of officers other than Chief Officer, Deputy Chief Officer, assistants to political groups and an assistant to the Mayor is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members.
- 8.2 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 8.3 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 Member or officer of the Council or of the partner of such persons.
- 8.4 No candidate related to a Member or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him or her.
- 8.5 Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.
- 8.6 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 8.7 No Member will seek support for any person for any appointment with the Council.
- 8.8 This does not preclude a Member or the Mayor from giving a written reference for a candidate for submission with an application for appointment.
- 8.9 Members will not 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 procedures, as adopted from time to time, which may allow a right of appeal to Members in respect of dismissals.~~ Any appeal will be dealt with in accordance with the Appeals Policy and Procedure.
- 8.10 Any shared appointments should take account of the Joint Working Agreement document.

9 PUBLICATION OF SALARIES AND EXPENSES OF THE CHIEF EXECUTIVE, AND CHIEF OFFICERS

- 9.1 The Council will publish the salaries and expense claims of its Chief Executive, and Chief Officers on an annual basis at the same time as the allowances and expense claims of its elected Members are published. This information will be published on the Council's website in accordance with the Transparency Code.

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