

NDDC CONSTITUTION

Part 4

OFFICER EMPLOYMENT PROCEDURE RULES

This part deals with the appointment and dismissal of staff.

PRESCRIBED STANDING ORDERS

These Rules incorporate the standing orders prescribed under the Local Authorities (Standing Orders)(England) Regulations 2001 as amended.

DEFINITIONS

“Chief Officer” means the Statutory Chief Officers, Non Statutory Chief Officers and the Deputies of those persons as defined within s2 of the Local Government and Housing Act 1989

“Chief Financial Officer” shall mean any officer appointed under s151 of the Local Government Act 1972

“Head of Paid Service” shall mean the officer appointed under section 4(1) of the Local Government and Housing Act 1989

“Independent Persons” means a person appointed by the Council under s28(7) of the Localism Act 2011

“Monitoring Officer” means any officer appointed under s5 of the Local Government and Housing Act 1989

“Proper Officer” means the Human Resources Manager

“Relevant Independent Person” means an Independent Person appointed by the Council or where there are fewer than two such persons, such Independent Persons as have been appointed by another authority.

1. **RECRUITMENT AND APPOINTMENT**

1.1 **Declarations**

1.1.1 The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have any relationship with any councillor or officer of the Council;

1.1.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the Head of Paid Service or where the relationship is between the candidate and the Head of Paid Service, the authority of the Proper Officer.

July 2022

NDDC CONSTITUTION

Part 4

1.2 Seeking support for appointment

1.2.1 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.

1.2.2 No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF CHIEF EXECUTIVE/HEAD OF PAID SERVICE AND CHIEF OFFICERS

Where the Council proposes to appoint a Chief Executive/Head of Paid Service or a Chief Officer, including on a joint basis with another public body, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- 2.1 draw up a statement including the following:
 - 2.1.1 the duties of the Officer concerned; and
 - 2.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 2.2 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
- 2.3 make arrangements for a copy of the procedures mentioned in paragraph 1 to be sent to any person on request.

3. PROCEDURE FOR RECRUITMENT OF HEAD OF PAID SERVICE MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

- 3.1 The appointment of the Head of Paid Service, Monitoring Officer and Chief Financial Officer shall be the responsibility of the Full Council following a recommendation on the appointment from the Appointments Committee.
- 3.2 The Appointments Committee or a Sub Committee of it shall carry out the interview process and will make a recommendation on the appointment to the Full Council.
- 3.3 In respect of the appointment of the Monitoring Officer and Chief Financial Officer, the interview process shall be chaired by the Head of Paid Service or a person nominated by him.

NDDC CONSTITUTION

Part 4

4. **PROCEDURE FOR THE DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

- 4.1 The dismissal for disciplinary reasons of the Head of Paid Service, Monitoring Officer and Chief Financial Officer shall be the responsibility of Full Council.
- 4.2 Before taking a decision, Full Council shall receive advice from a panel consisting of the Appointments Committee or a Sub Committee of it, two or more Relevant Independent Persons and such other persons as may be considered appropriate by Full Council (“the Panel”).
- 4.3 The Panel must be appointed at least 20 working days before the meeting of Full Council at which a decision is to be made as to whether to dismiss the officer.
- 4.4 The Council shall appoint to the Panel the Relevant Independent Persons 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) Such other Relevant Independent Person appointed by the Council,
 - (c) A Relevant Independent Person appointed by another authority.

5. **RESPONSIBILITY FOR RECRUITMENT OR DISMISSAL OF OTHER OFFICERS**

- 5.1 The function of the appointment and dismissal of and taking disciplinary action against any other officer will be discharged by the Head of Paid Service subject to any delegations contained within Part 3 of this Constitution, and shall not be the responsibility of Councillors.
- 5.2 Councillors will not be involved in disciplinary action against any Officer below Chief Officer except where such involvement is necessary for any investigation or inquiry or where the Council’s procedures as adopted from time to time allow a right of appeal to Councillors.

6. **SUSPENSION**

- 6.1 The Head of Paid Service, the Chief Financial Officer, or the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and must terminate no later than 2 months after the suspension takes effect.

7. **APPEALS**

None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal by:

July 2022

NDDC CONSTITUTION

Part 4

- 7.1 any person against any decision relating to the appointment of that person as a member of staff of the authority; or
- 7.2 a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the member of staff has less than six months' notice – in these instances the appeal shall be conducted by a senior officer.