

OFFICER EMPLOYMENT PROCEDURE RULES

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 ('the Regulations') as amended.

1. Appointment to be on merit

All appointments shall be made on merit irrespective of age, race, disability, ethnicity, gender, or religion and belief or political beliefs or sexual orientation or other protected characteristic.

2. Recruitment and appointment

(a) Declarations

- (i) All applicants will be required to disclose whether or not they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an officer and/or a councillor at Selby District Council or the partner of such persons. Applicants failing to disclose such a relationship will be disqualified from the appointment, or if appointed, will be dismissed without notice.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant, Director or an officer nominated by him/her.

(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.

3. Recruitment of officers

Where the Council proposes to appoint an officer and it is not proposed that the appointment be made exclusively from among their 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;

- (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.

4. Appointment of Head of Paid Service, and Designation of Monitoring Officer and Section 151 Officer

- (a) Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Employment Committee of the Council.
- (b) Council will approve the designation of the Monitoring Officer and Chief Finance Officer (s151)

5. Offer of appointment as Head of Paid Service.

An offer of appointment as Head of Paid Service must not be made by the Council until:

- (a) the Employment Committee has notified the Proper Officer of the name of the person to whom an offer is proposed and any other particulars which it 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 an offer is proposed;
 - (ii) any other particulars relevant to the appointment which have been 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 Leader on behalf of the Executive to the Proper Officer; and
- (c) either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Employment Committee that neither he/she nor any other Member of the Executive has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the Employment Committee that no objection was received by him/her within that period from the Leader; or
 - (iii) the Employment Committee is satisfied that any objection received from the Leader within that period is not material or is

not well-founded.

(For the purposes of this paragraph 'Proper Officer' means an officer appointed by the Council for this purpose in accordance with the Regulations and can be a different officer depending on the appointment being made).

6. Disciplinary action against Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer

1. In the following paragraphs:

- (a) "the 2011 Act" means the Localism Act 2011;
- (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;
- (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
- (d) "the Panel" means the Employment 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;
- (e) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (f) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed or subject to disciplinary action by the authority unless the procedure set out in the following paragraphs is complied with.

3. Suspension.

The Head of Paid Service, Monitoring Officer, Chief Finance Officer and other Chief Officer(s) may be suspended by the Employment Committee whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

4. Investigation

No disciplinary action may be taken in respect of any of the relevant

officers specified above unless an investigation has been undertaken in respect of allegations made.

The Panel may instruct the Proper Officer to appoint a suitably qualified or experienced person to conduct such investigation and report back to the Panel on his/her findings.

5. Before the taking of a vote at the relevant meeting on whether or not to approve disciplinary action short of dismissal or to recommend dismissal to Council, the Employment Committee must take into account, in particular:
 - (a) any advice, views or recommendations of the Advisory Panel on Disciplinary Action;
 - (b) the conclusion of any investigation into the allegations; and
 - (c) any representations from the relevant officer.

6. Notice of the dismissal of the Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer must not be given by the dismissor until:
 - (i) 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;
 - (ii) the Proper Officer has notified every Member of the Executive of:
 - the name of the person who the dismissor wishes to dismiss;
 - any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Proper Officer; and
 - (iii) either:
 - the Leader has, within the period specified in the notice under sub-paragraph (b)(ii), notified the dismissor that neither he/she nor any other Member of the Executive has any objection to the dismissal;
 - the Proper Officer has notified the dismissor that no objection was received by him/her within that period from

the Leader; or

- the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

(For the purposes of this paragraph 'Proper Officer' will have the same meaning as paragraph 4 and as defined in the Regulations).

7. In the case of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, the Council must approve that dismissal before the notice of dismissal is given.¹

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

- (a) any advice, views or recommendations of the Advisory Panel on the Dismissal of Statutory Officers;
- (b) the conclusion of any investigation into the proposed dismissal;
- (c) the recommendations of the Employment Committee; and
- (d) any representations from the relevant officer.

8. Other Officers

- (a) Appointment, dismissal, or the taking of disciplinary action against all other officers is the responsibility of the Head of Paid Service or an officer nominated by him/her.
- (b) In the case of Statutory Officers or Directors the Head of Paid Service may consult members on such appointments, but are not required to do so.
- (c) Except as reserved herein, disciplinary action shall be discharged by the Head of Paid Service or by an officer nominated by him/her and in accordance with the procedures adopted and/or amended by the Council from time to time.
- (d) Councillors will not be involved in the dismissal or discipline of any officer below Chief Officers, the Section 151 Officer or the Monitoring Officer.

¹ Local Authorities (Standing Orders) (England) Regulations 2001, Regulation 5, amended by the Local Authorities (Standing Orders) (England) Amendment Regulations 2015