

Officer Employment Procedure Rules

(Chief Operating Officer and Corporate Directors only and in limited circumstances the Legal and Democratic Services Manager and Head of Finance, Procurement and Commercial Services).

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 officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer 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. This shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

Where the Council proposes to appoint a chief officer or deputy chief 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 (1) to be sent to any person on request.

3. **Appointment of Head of Paid Service**

- (a) The Council must approve the appointment of the Head of Paid Service before an offer of appointment is made following the recommendation of such an appointment by the Chief Officers Committee. That Committee will include at least one member of the Cabinet.
- (b) The Council may only make an offer of appointment as the Head of Paid Service where
 - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other particulars which the Committee considers are relevant to the appointment.
 - (ii) the Proper Officer has notified every member of the Cabinet of the name of the person and any other particulars relevant to the appointment which the Committee has notified to the Proper Officer and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
 - (1) the Leader of the Cabinet has within the period of 5 working days referred to in (iii) above notified Council that neither he nor any other member of the Cabinet has any objection to the appointment or;
 - (2) the Proper Officer has notified Council that no objection was received by him/her within the period of 5 working days from the Leader of the Cabinet or
 - (3) Council is satisfied that any objection received from the Leader of the Cabinet within the period of 5 working days is not material or is not well-founded.

4. **Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Chief Officers Committee will appoint chief officers and deputy chief officers. That Committee will include at least one member of the Cabinet.
- (b) The Chief Officers Committee may only make an offer of appointment of chief officer or deputy chief officer where:-
 - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other particulars which the Committee considers are relevant to the appointment.

- (ii) the Proper Officer has notified every member of the Cabinet of the name of the person together with any other particulars relevant to the appointment which the Committee has notified to the Proper Officer.
- (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either:-
 - (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the appointment
 - (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
 - (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- (a) The Council must approve the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer before notice of dismissal is given to him/her, following the recommendation of such dismissal by the Investigating Committee. (That Committee will include at least one member of the Cabinet) and consideration by Council of:-
 - (i) any advice, views or recommendations from the Independent Panel
 - (ii) the conclusions of any investigation into the proposed dismissal and
 - (iii) any representations from the relevant officer.
- (b) The Council may only decide that notice of dismissal be given to the Head of the Paid Service, Monitoring Officer or Chief Finance Officer where:-
 - (i) the Investigating Committee has notified the proper officer of the recommendation to dismiss the Head of the Paid Service, Monitoring Officer or Chief Finance Officer together with any other particulars the Committee considers are relevant to the dismissal

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- (ii) the Proper Officer has notified every member of the Cabinet of the recommendation to dismiss the Head of the Paid Service, Monitoring Officer or Chief Finance Officer and any other particulars relevant to the recommendation to dismiss which the Committee has notified to the Proper Officer and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified full Council that neither he nor any member of the Cabinet has any objection to the dismissal,
 - (2) the Proper Officer has notified Council that no objection was received by him or her within the period of 5 working days from the Leader of the Council or
 - (3) Council is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.
- 7. Disciplinary action - Dismissal of Chief Officers and Deputy Chief Officers other than Head of Paid Service, Monitoring Officer or Chief Finance Officer**
- (a) The Investigating Committee will be responsible for the dismissal of Chief Officers and Deputy Chief Officers. That Committee will include at least one member of the Cabinet.
 - (b) The Investigating Committee may only decide that notice of dismissal be given to a chief officer or deputy officer where:-
 - (i) the Investigating Committee has notified the Proper Officer of the name of the Chief Officer or Deputy Chief Officer it wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal
 - (ii) the Proper Officer has notified every member of the Cabinet of the name of the Chief Officer or Deputy Chief Officer the Committee wishes to dismiss and any other particulars relevant to the dismissal which the Committee has notified to the proper officer, and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the dismissal.
 - (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
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- (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well-founded.

8. **Disciplinary action - Further Provisions**

Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

9. **Other Dismissals and Disciplinary Action**

- (a) Officers below Deputy Chief Officers:- the dismissal of and taking disciplinary action against officers below deputy chief officer (other than assistants to political groups) must be discharged on behalf of the Council by the head of the paid service or his/her nominee.
- (b) Councillors 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, capability and related procedures, as adopted from time to time may allow a right of appeal to members.
- (c) Assistants to Political Groups - the dismissal of an assistant to a political group shall be made by that political group.

10. **Definitions**

For the purpose of these Rules

- (a) Chief Officer is either a statutory or non-statutory chief officer as defined in Section 2(6) and (7) of the Local Government and Housing Act 1989 and a Deputy Chief Officer is as defined in Section 2(8) of that Act, in practice at West Lancashire Borough Council this means the posts of Chief Operating Officer and Corporate Directors, and in limited circumstances the Legal and Democratic Services Manager and Head of Finance, Procurement and Commercial Services.
- (b) the Proper Officer is the Chief Operating Officer or where disciplinary action is being taken against him/her a Corporate Director.