

## **Part 3.9 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 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**

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.

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

(a) The Chief Officers Committee will appoint chief officers and deputy chief officers.

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.

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

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 Disciplinary and Investigation Committee 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.

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 Disciplinary and Investigation Committee will be responsible for the dismissal of Chief Officers and Deputy Chief Officers.

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. The Disciplinary and Investigation Committee shall have the delegated power to suspend the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

In a matter of urgency:

- a) the Head of Paid Service shall have the power to suspend;
  - i. the Monitoring Officer; or
  - ii. Chief Finance Officer.
  
- b) the Monitoring Officer, in consultation with the Chief Finance Officer, shall have the power to suspend the Head of Paid Service.

Any urgent suspension decision must be taken in consultation with the Chairperson of the Disciplinary and Investigation Committee and must be reviewed by the Committee as soon as possible and at the latest within 10 working days.

## 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.

## 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 Head of Legal and Democratic Services 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.
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