

GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA

11 November 2015

The following amended appendix to Item 8 – Monitoring Officer's report is attached for consideration and is submitted with the agreement of the Chairman. Please disregard the original appendix.

8 MONITORING OFFICER REPORT NO 06 - AMENDMENTS TO THE CONSTITUTION
(Pages 1 - 6)

Andrew Beesley
Committee Administration
Manager

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Staff Employment Procedure Rules

Recruitment and appointment

1. Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. This statement shall be included in any recruitment information.

No councillor will seek support for any person for any appointment with the Council.

2. Declarations

The Council shall ask any candidate for appointment as a member of staff to state in writing whether they are related to an existing councillor or member of council staff; or the partner of such persons. No candidate who declares such a relationship will be appointed without the authority of the Director of Human Resources and/or a Group Director.

3. Recruitment

Where the Council proposes to appoint a Head of Paid Service, a Group Director, an Assistant/Deputy Director, oneSource Director or a Head of Service and it is not proposed that the appointment be made exclusively from among the existing members of staff, the Council's usual recruitment procedures shall apply.

4. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one Cabinet member.

5. Appointment of Group Directors, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service

The Appointments Sub-Committee will appoint Group Directors, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service. The Sub-Committee must include at least one Cabinet member.

An offer of employment as a Group Director, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors or a Head of Service shall be made only where no well-founded objection from any member of the Cabinet has been received (as set out in rule 13 below).

6. Appointment of Director of Public Health

The Council must, in accordance with Part 3 of the National Health Service Act 2006 as amended by Section 30 of the Health and Social Care Act 2012, jointly with the Secretary of State, appoint an individual to have responsibility for all local authorities public health functions, including any conferred by regulation. The individual is to be known as an officer of the local authority and is to be known as the Director of Public Health. The appointment of the Director of Public Health shall be made by the Advisory Appointments Committee.

7. Appointment of oneSource Directors

The Managing Director, Directors, Assistant/Deputy Directors and Heads of Service of oneSource shall be appointed pursuant to the provisions of the Inter-Authority Agreement between the London Boroughs of Havering and Newham dated 1 September 2014 and the variation thereto dated 18 June 2015

8. Assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and in accordance with statutory regulations.

9. Disciplinary action

No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 10 below, may be taken other than in accordance with a recommendation in a report made by a Panel of the Appointments Sub-Committee under regulation 6 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

10. Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should last no longer than two months. In exceptional circumstances, the decision to suspend may be made by a Group Director in conjunction with the Director of HR & OD; this decision must be notified to all councillors as soon as possible.

11. Independent person

No other disciplinary action may be taken in respect of any of the officers referred to in 9 above except in accordance with a recommendation in a report made by a Panel of the Appointments Sub-Committee .

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

12. Dismissal

Councillors will not be involved in the dismissal of any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

13. Role of the Cabinet

Where a committee or a sub-committee of the Council is discharging, on behalf of the authority, the function of the appointment of the Head of Paid Service, a Group Director, Chief Finance Officer, Monitoring Officer or a Head of Service at least one member of the Cabinet must be a member of that committee or sub-committee.

14. Appointment process

In this paragraph, "appointor" means, in relation to the appointment of a person as a member of staff of the Council, the Council or, where a committee, sub-committee or member of staff is discharging the function of appointment on behalf of the Council, that committee, sub-committee or member of staff, as the case may be.

An offer of an appointment as Head of Paid Service, Group Director, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Director or Head of Service must not be made by the appointor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered. Such appointments must be in accordance with the appropriate terms and conditions of employment

15. Dismissal process

In this paragraph, "dismissor" means, in relation to the dismissal of a member of staff of the Council, the Council or, where a committee, sub-committee or another member of staff is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other member of staff, as the case may be.

Notice of the dismissal of a Group Director, or Head of Service must not be given by the dismissor until the appropriate notification has been advised

to Cabinet, in accordance with regulations and objections have been received and considered.

16. DISMISSAL OF HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

- 16.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

17. INDEPENDENT PERSONS

- 17.1 The Council must invite relevant independent persons to be considered for appointment to a Panel, being a committee appointed by the Council under Section 102(a) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of any of the officers referred to in Paragraph 16.1 above with a view to appointing at least two such persons to the Committee.
- 17.2 A 'relevant independent person' means any independent person appointed by the Council under Section 28(7) of the Localism Act 2011 or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 17.3 The Council is not required to appoint more than two relevant independent persons to its Panel but may do so if it wishes.
- 17.4 Subject to Paragraph 17.3 above, the Council must appoint to its Panel such relevant independent persons who have accepted an invitation issued in accordance with Paragraph 17.1 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) Any other relevant independent person who has been appointed by the Authority
 - (c) A relevant independent person who has been appointed by another Authority or Authorities.

18. APPOINTMENT OF THE PANEL

- 18.1 The Council must appoint any Panel at least 20 working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss any of the officers referred to in Paragraph 16.1 above.

19. DETERMINATION OF PROPOSAL TO DISMISS

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

- (a) Any advice, views or recommendations of the Panel
- (b) The conclusions of any investigation into the proposed dismissal, and
- (c) Any representations from the officer the subject of the disciplinary action

20. RENUMERATION OF INDEPENDENT PERSONS

20.1 Any remuneration or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances of fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011

21. Capability process

The process to be followed must be in accordance with the appropriate terms and conditions of employment for that member of staff and the appropriate Council employment policy/procedure

22. Grievance process

The process to be followed for a grievance must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

23. Bullying and Harassment process

The process to be followed for a complaint must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

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