

GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA

12 March 2020

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

6 STAFF EMPLOYMENT PROCEDURE RULES

Report now attached

**Andrew Beesley
Head of Democratic Services**

This page is intentionally left blank

GOVERNANCE COMMITTEE

Subject Heading:	Staff Employment Procedure Rules
SLT Lead:	Andrew Blake-Herbert, Chief Executive
Report Author and contact details:	John William Jones, Deputy Director of Legal and Governance and Monitoring Officer
Policy context:	Governance
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[]
Places making Havering	[]
Opportunities making Havering	[]
Connections making Havering	[]

SUMMARY

This report seeks approval for proposed changes to Part 5 of the Constitution which contains the Staff Employment Procedure Rules (the Rules). The changes update, improve and recast generally the Rules.

RECOMMENDATIONS

That the Committee:

1. consider and comment on the draft Rules attached at **Appendix 2**;
2. decide which, if any, of the deputy chief officer posts set out in **Appendix 3** should be delegated to officers to appoint to;
3. decide if the decision to take disciplinary action against or dismiss deputy chief officers should be delegated to officers; and
4. recommend to Council that the draft Rules (whether as proposed or as amended by the Committee) be approved and that the Monitoring Officer be authorised to update the Constitution and make consequential changes.

REPORT DETAIL

1. Background

- 1.1 All local authorities are required by law to incorporate into their constitutions, as standing orders, rules relating to the employment of officers. These rules include the appointment, the taking of disciplinary action and dismissal of officers and are currently found in the Local Authorities (Standing Orders) Regulations 1993 as amended and the Local Authorities (Standing Orders) (England) Regulations 2001 as amended (the Regulations). Whilst the Regulations impose on local authorities certain mandatory rules, there is freedom and flexibility for local authorities to otherwise adopt their own procedures.
- 1.2 In summary, the Regulations set out the following:
 - 1.2.1 The appointment of the Chief Executive (as Head of Paid Service) is a decision that must be approved by full Council;
 - 1.2.2 The appointment of other chief officers or deputy chief officers may be Member (sitting as a committee) or officer level decisions;
 - 1.2.3 Disciplinary action and dismissal of chief officers and deputy chief officers may be Member (sitting as a committee) or officer level decisions;

- 1.2.4 Specific rules for taking disciplinary action against or the dismissal of the Head of Paid Service (Chief Executive), Chief Finance Officer (Chief Operating Officer) and Monitoring Officer (Deputy Director of Legal and Governance);
- 1.2.5 Specific rules for the appointment of political assistants;
- 1.2.6 Proposals to appoint, take disciplinary action or dismiss chief officers or deputy chief officers are subject to a process whereby Cabinet Members may object. If there is an objection, the decision maker must consider the objection and can only proceed if the objection is not material or well founded.
- 1.2.7 All matters relating to the employment of officers below deputy chief officers, are the responsibility of the Chief Executive (as Head of Paid Service).
- 1.3 Chief officers include statutory director posts and those reporting to the Chief Executive. Deputy chief officers are those reporting to chief officers. Clerical staff are excluded from these definitions.
- 1.4 At its meeting on 8 January 2020, the Committee deferred consideration of the proposals set out in this report and requested that the changes between the current and proposed Rules be spelt out and reasons be given for any substantive changes.
- 1.5 The Rules have been recast i.e. the current and proposed versions are two completely different documents as opposed to being two versions of the same document. Therefore, although using the 'Track Changes' or 'Compare' functions in Word would not be helpful, the changes have been tracked and explained below.

2. Key Considerations and Proposals

- 2.1 As well as updating the current Rules attached at **Appendix 1** by removing references to obsolete job titles and generally improving the wording and formatting of the text, the draft Rules attached at **Appendix 2**, if approved, will have the following key effects:
 - 2.1.1 Members will continue to be responsible for appointing all chief officers (i.e. members of the Senior Leadership Team; the Monitoring Officer and the Director of Public Health) (see Table 1 below);
 - 2.1.2 Members will also continue to be responsible for appointing deputy chief officers graded at G15 or above (see Table 1 below);
 - 2.1.3 Members will no longer be responsible for appointing deputy chief officers graded below G15 (see **Appendix 3** for an up to date list of such posts which is likely to vary from time to time). The draft Rules seek to take a more nuanced approach to the appointment

of deputy chief officers and draw a distinction based on pay grades. Therefore they take into account factors such as the seniority and role of the officer, the nature and importance of the responsibilities exercised as well as other relevant factors. This would mean that Members are responsible for appointing the top two tiers of officers which is considered to be more appropriate both in terms of the level of Member involvement and the number of posts concerned. Greater delegation of appointment decisions would result in more cost effective and efficient appointment decision making processes. Ultimately, however, it is for Members to decide if the dividing line for Member and officer decision-making in respect of deputy chief officers should be adjusted and, if so, whether it should be adjusted in line with the proposals in this report;

- 2.1.4 The Chief Executive (or his/her nominee) will be responsible for the appointment of deputy chief officers graded below G15 (see **Appendix 3**);
- 2.1.5 The Chief Executive (or his/her nominee) will be responsible for interim, temporary or fixed term appointments but subject to the requirements and limits specified (see paragraphs 2.17-2.20 of the draft Rules). The current Rules do not incorporate the officer delegated authority granted by the Committee on 30 August 2017 to make temporary appointments. Currently, authority is directly conferred upon the Chief Executive only to make temporary chief officer and deputy chief officer appointments for up to 12 months. An extension has to be agreed by the Appointments Sub-Committee and cannot extend beyond a further 6 months. It is proposed to incorporate these delegations into the draft Rules (see **Appendix 2**) but subject to the following changes: para. 2.17 (Deputy Chief Officers) – directly confer authority upon the relevant chief officer as well as the Chief Executive and remove the limit of 12 months; and para. 2.18 – the limit on the ability of the Appointments Sub-Committee to extend temporary appointments is not mentioned because in practice, this is for decision on a case by case basis. Also, the duty to notify Members of temporary chief officer appointments and timescales for a permanent appointment is a new and additional safeguard.
- 2.1.6 Members will be responsible for the dismissal or the taking of disciplinary action against the Chief Executive or a chief officer only. Currently, Members are also responsible for the dismissal or the taking of disciplinary action against deputy chief officers too.
- 2.1.7 Confirm, in accordance with HR Policies and Procedures and employment law, that an officer assessed as having 'direct non-competitive assimilation to a post' (see para. 2.10) does not need to be appointed by Members. This covers circumstances where, in

the event of a re-structure, assimilation is uncontested (i.e. there are sufficient suitable alternative posts for displaced officers). In these circumstances, the Council is required to offer a displaced officer any suitable alternative employment that may be available or which may become available as a consequence of any re-organisation giving rise to the abolition of the officer's post.

2.1.8 The Chief Executive may make minor changes to the Rules (see para. 1.3).

2.2 The following table sets out the chief officer and deputy chief officer posts which, under the revised Rules, Members would be responsible for appointing to.

Table 1

Member chief officer/deputy chief officer appointments
Chief Executive
Chief Operating Officer (Chief Finance Officer)
Monitoring Officer (Deputy Director of Legal and Governance) (this is a oneSource role)
Director of Adult Services
Director of Children's Services
Director of Regeneration Programme Delivery
Director of Housing Services
Director of Neighbourhoods
Director of Public Health
Assistant Director, Education
oneSource Executive Director and oneSource Directors (via the oneSource Joint Committee)

2.3 The following table seeks to compare the current (see **Appendix 1**) and proposed (see **Appendix 2**) versions of the Rules:

Current Rules	Comments (para. numbers are to the draft Rules – see Appendix 2)
Para. 1 (Seeking support for appointment)	Replaced by para. 2.3 & 2.4
Para. 2 (Declarations)	Replaced and amended by para. 2.1 and 2.2
Para. 3 (Recruitment)	Replaced by para. 2.5
Para. 4 (Appointment of Head of Paid Service)	Replaced by para.2.6
Para. 5 (Appointment of Deputy Chief Executives, Chief Finance	Replaced and amended by para. 2.9 (noting, in particular, the

Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service	exclusion of deputy chief officers at G14 or below), 2.11, 2.12, 2.15 and Appendix 1
Para. 6 (Appointment of Director of Public Health)	Replaced by para. 2.13
Para. 7 (Appointment of oneSource Directors)	Replaced by para. by 1.2.1
Para.8 (Assistants to political groups)	Replaced by para. 2.16
Para. 9 (Disciplinary action)	Replaced by para. 3.5
Para.10 (Suspension)	Replaced and amended by para. 3.4. The decision to suspend rests with the Committee only
Para.11 (Independent person)	Replaced by para. 3.5 and 3.3
Para.12 (Dismissal)	Replaced by para. 3.3
Para.13 (Role of the Cabinet)	Replaced by para. 4 – see definition of “Committee”
Para.14 (Appointment process)	Replaced by para. 2.12 and Appendix 1
Para.15 (Dismissal process)	Replaced by para. 3.7 and Appendix 1
Para.16 (Dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer)	Replaced by para.3.5
Para.17 (Independent Persons)	Replaced by para. 3.5 (as necessary)
Para.18 (Appointment of Panel)	Replaced by para. 3.6
Para.19 (Determination of Proposal to Dismiss)	Replaced by para. 3.5
Para.20 (Remuneration of Independent Persons)	Deleted – this is stated in the 2001 Regulations (see para. 1.1.3)
Para.21 (Capability process)	Deleted – unnecessary and/or covered by para. 1.2.2
Para.22 (Grievance process)	
Para.23 (Bullying and Harassment process)	

- 2.4 Member decision making in relation to employment matters is undertaken by the Appointments Sub-Committee. However, in relation to the oneSource Executive Director and oneSource Directors, decision making at Member level is via the oneSource Joint Committee.
- 2.5 The Committee is asked to recommend to Council that the draft Rules be approved (whether as proposed or as amended by Members) and that the Monitoring Officer be authorised to update the Constitution and make consequential changes.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report.

Legal implications and risks:

These are incorporated into the report.

Human Resources implications and risks:

These are incorporated into the report.

Equalities implications and risks:

Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

“Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

There are no direct equality implications resulting from the proposed changes to the Rules but the Council’s policies, procedures and practices are designed to achieve equality of treatment and a level playing field.

Background Papers

None.

This page is intentionally left blank

Appendix 1 – Current Rules

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 Director of Human Resources and/ or a Deputy Chief Executive.

3. Recruitment

Where the Council proposes to appoint a Head of Paid Service, a Deputy Chief Executive, a one Source 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 Committee. The Appointments Committee must include at least one Cabinet member.

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

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

An offer of employment as a Deputy Chief Executive, 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 14 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 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 Deputy Chief Executive in conjunction with the Director of Human Resources and Organisational Change; 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 or dismissal of the Head of Paid Service, a Deputy Chief Executive, 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, Deputy Chief Executive, 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 Deputy Chief Executive, 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

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

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 above with a view to appointing at least two such persons to the Committee.

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.

The Council is not required to appoint more than two relevant independent persons to its Panel but may do so if it wishes.

The Council must appoint to its Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraphs above 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 Panel

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 above.

19 Determination of Proposal to Dismiss

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 Remuneration of Independent Persons

Any remuneration or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or 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

This page is intentionally left blank

Appendix 2 – Draft Proposed Rules

STAFF EMPLOYMENT PROCEDURE RULES

1 PURPOSE

1.1 These rules:

- 1.1.1 set out the general principles and requirements in relation to the appointment and dismissal of, and taking disciplinary action against, officers;
- 1.1.2 define the role of the Leader, Members, officers and others in the employment of Council officers; and
- 1.1.3 incorporate the mandatory standing orders relating to the employment of officers that apply to all local authorities and set out in the Local Authorities (Standing Orders) Regulations 1993 (as amended) and the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

1.2 These rules are supplemented by, or should be read in conjunction with:

- 1.2.1 the oneSource Inter-Authority Agreement between the London Boroughs of Havering and Newham dated 1 September 2014 as varied from time to time; and
- 1.2.2 Operational Guidance and/or HR Policies and Procedures issued by the Chief Executive and/or the Director of Human Resources and Organisational Development from time to time.

1.3 Any changes to these rules will be approved by Full Council but the Chief Executive is authorised to make minor changes to ensure that the rules remain accurate, relevant and up to date. For example, the Chief Executive may update job titles or grades to reflect the management structure of the Council current at the time.

2 RECRUITMENT AND APPOINTMENT

Declarations

- 2.1 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.

- 2.2 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.

Seeking support for appointment

- 2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.4 No Member will seek support for any person for any appointment with the Council.

Recruitment of Chief Executive and Chief Officers

- 2.5 Where the Council proposes to appoint the Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from existing officers, the Council will:
- 2.5.1 draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
 - 2.5.2 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;
 - 2.5.3 make arrangements for a copy of the statement mentioned in sub-paragraph (i) to be sent to any person on request; and
 - 2.5.4 make arrangements for at least a short list of qualifying applicants to be interviewed.

Appointment of Chief Executive

- 2.6 Full Council will approve the appointment of the Chief Executive (as the Head of Paid Service) following the recommendation of such an appointment by the Committee.
- 2.7 The Director of Human Resources and Organisational Development will be responsible for the functions set out at 2.5 for the appointment of the Chief Executive following consultation with the relevant Cabinet Member(s).

Appointment of Chief Officers and Deputy Chief Officers

- 2.8 The Chief Executive will be responsible for the functions set out at paragraph 2.5 following consultation with the relevant Cabinet Member(s).
- 2.9 Subject to paragraph 2.10, the Committee will be responsible for the appointment of the following posts:
- 2.9.1 Chief Officers; and

- 2.9.2 Deputy Chief Officers graded at G15 or above (or any subsequent pay grade adopted of the same or similar value).
- 2.10 Paragraph 2.9 does not apply to posts where, in the event of a restructure, an officer is assessed as having direct non-competitive assimilation to a post.
- 2.11 The Chief Executive will be responsible for the appointment of all other Deputy Chief Officer posts (or other posts subject to the 2001 Regulations).
- 2.12 An offer of employment as a Chief Officer or a Deputy Chief Officer will only be made if:
- 2.12.1 the procedure set out in **Appendix 1** is followed; and
 - 2.12.2 no well-founded objection has been made by the Leader or any Cabinet Member.
- 2.13 An offer of employment as the Director of Public Health will be made in accordance with the additional statutory requirements that apply to this post. In particular, the appointment will be made jointly with the Secretary of State for Health.

Other Appointments

- 2.14 The Chief Executive is responsible for the appointment of all other Council employees.
- 2.15 Prior to making an appointment of a Deputy Chief Officer post which is graded below G15, the Chief Executive will follow the procedure set out in **Appendix 1**.
- 2.16 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group and other requirements prescribed by law.

Interim, temporary or fixed term appointments

- 2.17 Decisions to appoint a Deputy Chief Officer on an interim, temporary or fixed term contract will be made by the Chief Executive or the relevant Chief Officer.
- 2.18 Decisions to appoint a Chief Officer on an interim, temporary or fixed term contract will be made by the Chief Executive but limited to one year (including any contract extensions). Following such appointment, the Chief Executive will notify the Committee in writing setting out the timescales for a permanent appointment.
- 2.19 Prior to extending a Chief Officer appointment on an interim, temporary or fixed term contract beyond one year, the approval of the Committee shall be obtained.
- 2.20 The appointment of a Chief Executive on an interim, temporary or fixed term basis will be recommended by the Committee for approval by Full Council.

3 DISCIPLINARY ACTION

General

- 3.1 Subject to paragraph 3.5, any proposal in relation to the dismissal or the taking of disciplinary action against the Chief Executive or a Chief Officer will be considered by the Committee.
- 3.2 Any proposal in relation to the dismissal or the taking of disciplinary action against other officers will be the responsibility of the Chief Executive or the relevant officer under the Council's Scheme of Delegation.
- 3.3 Members will not be involved in the taking of disciplinary action against or the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary as part of an investigation, inquiry or appeal.

Chief Executive, Monitoring Officer and Chief Finance Officer

- 3.4 The Committee may suspend the Chief Executive, the Monitoring Officer or the Chief Finance Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will be reviewed if it lasts longer than two months.
- 3.5 A proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer, as a result of 'disciplinary action' (as defined by regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) will be approved at a meeting of Full Council before notice of dismissal is given. Before the taking of a vote at any such meeting, Full Council will take into account, in particular:
 - (i) any advice, views or recommendations of an Independent Panel, comprising of at least two Independent Persons, appointed by Full Council for the purposes of advising the Council;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations from the officer concerned.
- 3.6 The Independent Panel referred to in paragraph 3.5(i) will be appointed at least 20 working days before the relevant Full Council meeting.

Chief Executive, Chief Officers and Deputy Chief Officers

- 3.7 Before notice is given of the dismissal of the Chief Executive, a Chief Officer or a Deputy Chief Officer, the notification and objection procedure set out in **Appendix 1** will be followed as if references to the appointment of an officer (e.g. 'make an offer',

'appointment', 'appointing officer' etc.) are to the dismissal of an officer (e.g. 'dismiss', 'dismissal', 'notice of dismissal' etc.) as appropriate.

Director of Public Health

- 3.8 The Secretary of State for Health will be consulted before terminating the appointment of the Director of Public Health.

4 DEFINITIONS

Chief Executive = the Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989. Where reference is made to the exercise of a function by the Chief Executive, it includes his/her nominee.

Chief Finance Officer = the officer having responsibility for the purposes of section 151 of the Local Government Act 1972.

Chief Officer = an officer for which the Chief Executive is directly responsible or an officer who reports directly to or is directly accountable to the Chief Executive (but not if their duties are solely secretarial or clerical or are otherwise in the nature of support services); an officer who reports directly or is directly accountable to the Council (or a Council committee or sub-committee); the Monitoring Officer or the Director of Public Health.

Committee = the Appointments Sub-Committee or such other Council committee, sub-committee or panel responsible for exercising the Council's employment functions. The Committee must include at least one Cabinet Member.

Deputy Chief Officer as defined by section 2 of the Local Government and Housing Act 1989.

Independent Persons any appointment under section 28(7) of the Localism Act 2011.

Monitoring Officer the officer designated under section 5(1) of the Local Government and Housing Act 1989.

Political assistant(s) any appointment under section 9 of the Local Government and Housing Act 1989.

Appendix 1: Cabinet Objection Procedure

- 1 This procedure will apply to the appointment of the following posts:
 - 1.1 Chief Executive;
 - 1.2 Chief Officers;
 - 1.3 Deputy Chief Officers;
 - 1.4 Any other post identified by the 2001 Regulations.
- 2 If the Committee or an officer agrees on a candidate suitable for appointment to a post, they will submit their recommendation of an offer of employment to the Chief Executive as soon as practicable in writing.
- 3 Where the Chief Executive is the appointing officer, they will simply take the steps at 4 onwards.
- 4 The Chief Executive will then notify each Cabinet Member of:
 - 4.1 the name of the person the Committee or officer wish to make an offer;
 - 4.2 any other particulars relevant to the appointment;
 - 4.3 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet, (or a shorter period which will be determined by the Chief Executive in cases of urgency).
- 5 The notification will be by e-mail and **the period of objection will be 2 working days** but a Cabinet Member may provide a response within a shorter period. If the period of objection is to be shortened, then notification will be by telephone and e-mail.
- 6 Cabinet Members may indicate they have no objection verbally (which will be recorded by the Chief Executive) or in writing (including email). Any objections including the grounds on which it is considered to be well founded must be submitted to the Leader by a Cabinet Member in writing including by email.
- 7 If:
 - 7.1 the Leader notifies the Chief Executive that neither s/he or any other Cabinet Member has an objection to the making of the offer; or
 - 7.2 the Chief Executive notifies the Committee, that no objection has been received from the Leader within the objection period;

an offer of employment may be made to the candidate without the need for the Committee to re-convene.

- 8 If an objection is received from the Leader, the Committee or officer, as appropriate, will re-convene to consider the objection and, if satisfied that any objection received from the Leader is not material or is not well founded, will confirm its decision and a formal offer will be made. In making this decision, legal and human resources advice must be taken.
- 9 If an objection is considered to be well founded, the Committee, Sub Committee or officer must take legal and human resources advice on the action to be taken but the appointment may not be made at this time.

This page is intentionally left blank

Appendix 3 – List of Deputy Chief Officers Graded below G15

<i>Post Name</i>	<i>Pay Grade</i>	<i>Directorate</i>	<i>Service</i>
<i>Assistant Director of Environment</i>	G.14..	Neighbourhoods Directorate	Environment
<i>Assistant Director of Policy, Performance & Community</i>	G.14..	Chief Operating Directorate	Policy & Performance Management
<i>Assistant Director of Planning</i>	G.14..	Neighbourhoods Directorate	Planning Service
<i>Assistant Director of Development</i>	G.14..	Regeneration Programme Delivery Directorate	Development
<i>Assistant Director Customer and Communications</i>	G.14..	Chief Operating Directorate	Customer & Communications Service
<i>Principal SW Head of SC Practice Children & Adults</i>	G.13..	Children's Services Directorate	Directors Social Care Support
<i>Head of Housing Management</i>	G.13..	Housing Services	Community Support
<i>Head of Supported Housing</i>	G.13..	Housing Services	Tenancy Sustainment
<i>Head of Bereavement and Registration Services</i>	G.13..	Neighbourhoods Directorate	Bereavement Services - Cems & Crams
<i>Head of Housing Demand</i>	G.13..	Housing Services	Housing Needs & Strategy Management

This page is intentionally left blank