

 Members/Trades Unions Joint Consultation & Safety Panel		Agenda Item No.
Title	Officer Employment Procedures	
For further information about this report please contact	Graham Leach 01926 456114 graham.leach@warwickdc.gov.uk	
Service Area	Members' Services	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	Members/Trades Unions Joint Consultation & Safety Panel July 2008 minute 260	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i><u>must</u></i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director		
Chief Executive	16/12/2009	Chris Elliott
CMT	15/12/2009	
Section 151 Officer		
Legal	18/12/2009	Peter Oliver
Finance	15/12/2009	Marcus Miskinis
Portfolio Holder(s)	18/12/2009	Michael Doody
Consultation Undertaken		
Head of Human Resources – 15/12/2009 Andrew Crump – 18/12/2009 Robert Chapleo – 18/12/2009		
Final Decision?		No
Suggested next steps (if not final decision please set out below) If approved this will be submitted to Employment Committee for them to recommend to Council.		

1. SUMMARY

- 1.1 The report brings forwards amendments to the officer employment procedures rules following suggested amendments from the Panel in July 2008.

2. RECOMMENDATION

- 2.1 The amended officer employment procedure rules, as set out at Appendix 2, be recommended to Employment Committee for them to endorse and pass to Council

3. REASONS FOR THE RECOMMENDATION

- 3.1 The Panel does not have delegated power to amend the Constitution therefore any amendments need to be recommended to Council.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 No alternatives were considered as this report is brought forward at the request of the Panel and builds upon their previous recommendation.

5. BUDGETARY FRAMEWORK

- 5.1 This report has no budgetary implications.

6. POLICY FRAMEWORK

- 6.1 The report brings forward amendments to the Officer Employment Procedure rules, which forms part of the Constitution. The amendments are brought forward to make the procedures clearer

7. BACKGROUND

- 7.1 Following concerns over the Building on Excellence re structure the Panel had recommended, at their meeting of 18 July 2008, the Employment Committee recommends to Council the amendment to Officer Employment Procedure Rule 4(b) to read "In accordance with the delegated powers the Chief Executive, in consultation with the Joint Chairs of the Members/Trades Unions Joint Consultation and Safety Panel, decide which senior posts will be appointed by the Employment Committee or have member involvement. For various reasons this was not progressed.
- 7.2 At present Members' Services is undertaking a review of the Constitution and following consultation with the Head of Human resources it was agreed that the Officer Employment Procedure Rules should be updated. The current version is set out at Appendix 1
- 7.3 Following consultation with the Chief Executive and Deputy Chief Executives it was agreed that the officer Employment Procedure Rules should be amended so that all Chief Officers as defined in Article 12 of the Constitution should be appointed by the Employment Committee. Those officers set out in Article 12 are listed below:

Chief Executive

Deputy Chief Executive (x 2)

Head of Members' Services and Monitoring Officer

Head of Finance and Chief Finance Officer

Head of Legal Services
Head of Development Services
Head of Environmental Services
Head of Housing & Property Services
Head of Community Protection
Head of Cultural Services
Head of Neighbourhood Services
Head of Customer & Information Services

- 7.4 A number of other amendments were made to the Officer Employment Procedure Rules at the same time to ensure that they were consistent, along with reflecting and referring to the correct parts of the Constitution. The revised version is set out at Appendix 2.

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 Senior Officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or Senior Officer will be appointed without the authority of the relevant Senior Officer or the Head of Paid Service (especially if the identity of the related Senior Officer and relevant Senior Officer coincide)

(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.

2. Recruitment of Head of Paid Service, Statutory Officer and Senior Officers

Where the Council proposes to appoint such 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 1 to be sent to any person on request.

3. Appointment of the Head of Paid Service

- (a) The appointment of the Head of Paid Service will be made by a politically balanced panel of nine members for that purpose and then ratified by full Council

- (b) No appointment will be made to the post of the Head of Paid Service where the Leader of the Executive advises the proper officer appointed for the purpose that the Executive have a well founded and material objection to the appointment of that person.

4. Appointment of Statutory Chief Officers and Senior Officers

- (a) The appointment of statutory chief officers will be made by an interviewing panel which will comprise representatives of the Employment Committee or their substitutes.
- (b) In accordance with the delegated powers with Chief Executive will decide which senior posts will be appointed by the Employment Committee.

5. Other Appointments

- (a) Officers below Senior Officer. Appointment of officers below Senior Officer is the responsibility of the head of paid service or their nominee (usually Strategic Directors, Chief Officers and Heads of Service) and may not be made by councillors.

6. Disciplinary Action

(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer

A politically balanced group of no fewer than three members will be appointed by the Employment Committee to consider any allegations of discipline. The Head of Paid Service may be suspended on full pay by the Employment Committee whilst an investigation takes place. The Statutory Officers may be suspended by the Head of Paid Service. In all cases the suspension will last no longer than two months. No other disciplinary action may be taken except in accordance with a recommendation made in a report by a designated independent person.

The identify of such designated independent person is to be agreed between the officer and the Employment Committee and failing agreement, to be decided by the Secretary of State.

(b) Senior Officers

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer and Investigating Committee of no fewer than three elected members will be established by the Employment Committee

(c) Other Officers

Councillors will not be involved in disciplinary action against any Officer below a Senior Officer.

7. Dismissal

(a) Head of Paid Service

The dismissal of the Head of Paid Service must be ratified by full Council

(b) Statutory Officers

The dismissal of statutory chief officers will be made by the Employment committee. The committee must notify the proper officer appointed to perform this function of the person it is proposed to dismiss. The proper officer must notify the members of the Executive and give a specified period within which the Leader of the Executive may advise of any objection on the part of the Executive to the proposed dismissal.

(c) Senior Officers

The dismissal of senior officers will be made by the Employment Committee

(d) Other Officers

Councillors will not be involved in the dismissal of any officer below Senior Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

8. Appeals

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 and dismissals.

NB. Senior Officer those employed on JNC for Chief Officers Terms and Conditions.

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 - (ii) No candidate so related to a Councillor or Chief Officer will be appointed without the authority of the relevant Chief Officer or the Head of Paid Service (especially if the identity of the related Chief Officer and relevant Chief Officer coincide)
- (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.

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- (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 the Head of Paid Service

- (a) The appointment of the Head of Paid Service will be made by the Employment Committee and then ratified by Council

- (b) No appointment will be made to the post of the Head of Paid Service where the Leader of the Executive advises the proper officer appointed for the purpose that the Executive have a well founded and material objection to the appointment of that person.

4. Appointment of Statutory Chief Officers and Chief Officers (excluding the Head of Paid Service) as defined in Article 12

The appointment of Statutory Chief Officers and Chief Officers will be made by an interviewing panel which will be the Employment Committee.

5. Other Appointments

- (a) Officers below Chief Officer. Appointment of officers below Chief Officer is the responsibility of the head of paid service or their nominee (usually Chief Officers) and may not be made by councillors.

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The identify of such designated independent person is to be agreed between the officer and the Employment Committee and failing agreement, to be decided by the Secretary of State.

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(a) Head of Paid Service

The dismissal of the Head of Paid Service must be recommended by Employment Committee and ratified by Council

(b) Statutory Chief Officers

The dismissal of Statutory Chief Officers will be made by the Employment Committee. The Committee must notify the proper officer appointed to perform this function of the person it is proposed to dismiss. The proper officer must notify the members of the Executive and give a specified period within which the Leader of the Executive may advise of any objection on the part of the Executive to the proposed dismissal.

(c) Senior Officers

The dismissal of Chief Officers will be made by the Employment Committee

(d) Other Officers

Councillors will not be involved in the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

8. Appeals

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NB.

Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to information procedure rules of the Constitution.

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