

## H. Officer Employment Procedure Rules

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# OFFICER EMPLOYMENT PROCEDURE RULES

## 1. Recruitment and Employment

### (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 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.

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

Where the Council proposes to appoint the Head of Paid Service or 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 (a) to be sent to any person on request.

Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment of the Head of Paid Service, and Chief Officers, at least one member of the Executive must be a Member of that Committee or sub-committee

### 3. Appointment of Head of Paid Service

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Chief Officers' Employment Panel of the Licensing and General Purposes Committee. The Chief Officers' Employment Panel must include at least one member of the Executive.
- 3.2 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Executive.

### 4. Appointment of chief officers

- (a) The Chief Officers' Employment Panel will appoint chief officers. That panel must include at least one member of the Executive.
- (b) An offer of employment as a chief officer shall only be made where no well-founded objection has been made by any member of the Executive.

### 5. Other appointments

- (a) **Officers below chief officer** Appointment of officers below chief officer (other than assistants to a political group) 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.

A political assistant may be appointed to a post which:

- Is made for the purpose of providing assistance to Council Members of a political group in their role as members of the authority;
- Is made at or below the maximum salary prescribed in the relevant Regulations in force at the time;
- Is for a term fixed by reference to the relevant regulations in force at the time;
- Is one of no more than three posts the Council have decided to create for the purposes of section 9 of the Act;
- Is at the selection of the political group to whom the post has been appointed."

### 6. Additional requirements relating to Recruitment and Appointment

In addition to the requirements set out in Rules 1 – 5 above the person or body selecting or appointing an officer to any post within the Authority shall comply

with the ***Employment of Relatives/Partners/Friends Procedures*** and the ***Recruitment and Selection Procedures*** as set out in the Harrow Scheme for Pay and Conditions of Service.

## **7. Disciplinary Action**

7.1 Disciplinary action – Head of Paid Service and Statutory Chief Officers (i.e. the Monitoring Officer and the Chief Finance Officer)

(A) Disciplinary action against the Head of Paid Service and the Statutory Chief Officers (as defined in the following regulations) will follow the Local Authorities (Standing Orders) (England) Regulations 2001.

### **(B) Suspension – Head of Paid Service**

(i) The Chief Officers' Employment Panel may suspend the Head of Paid Service on (a) receipt of a referral from the Leader of any of the Political Groups OR (b) a report from either the Monitoring Officer, the Chief Finance Officer or both, whilst an independent investigation takes place into alleged misconduct.

(ii) That suspension will be on full pay and the investigation should last no longer than two months. The investigation will follow the Local Authorities (Standing Orders) (England) Regulations 2001 and the Model Procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities Conditions of Service.

### **(C) Grievance – Head of Paid Service**

(i) Any grievance relating to the Head of Paid Service will be considered and determined by the Chief Officers' Employment Panel. The decision of the Panel shall be final.

(ii) In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Executives of Local Authorities Conditions of Service any grievance relating to the Head of Paid Service will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.

### **(D) Suspension – Statutory Chief Officers**

The Head of Paid Service may suspend the Monitoring Officer or Chief Finance Officer whilst an independent investigation takes place into alleged misconduct. That suspension will be on full pay

and the investigation should last no longer than two months. The investigation will follow the Local Authorities (Standing Orders) (England) Regulations 2001 and the Model Procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.

**(E) Grievance – Statutory Chief Officers**

(i) Any grievance relating to the Statutory Chief Officers will be considered by the Head of Paid Service. If the Statutory Chief Officer remains dissatisfied the matter shall be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.

(ii) In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Statutory Chief Officers will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.

**7.2 Disciplinary Action – Chief Officers**

(A) Disciplinary action against any other Chief Officer will follow the Model Disciplinary Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.

**(B) Suspension**

The Head of Paid Service may suspend a Chief Officer whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and for no longer than two months, and will follow the Model Procedure (as modified locally) set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service.

**(C) Grievance – Chief Officers**

(i) Any grievance relating to Chief Officers will be considered by the Head of Paid Service. If the Chief Officer is dissatisfied with the response the matter will be referred to the Chief Officers' Employment Panel. The decision of the Panel shall be final.

(ii) In the absence of any grievance procedure set out in the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service any grievance relating to the Chief Officers

will comply with the requirements of the Grievance Procedure set out in the Harrow Scheme for Pay and Conditions.

## **8. Appeal to Members**

Councillors will not be involved in the disciplinary action against any officer below chief officer except to allow a right of appeal to Members in respect of disciplinary action taken under the Council's Disciplinary Procedure.

## **9. Dismissal**

Where a Committee or sub-committee of the authority is discharging on behalf of the authority, the function of the dismissal of a chief officer, at least one Member of the Executive must be a Member of that Committee or sub-committee.

The dismissal of the Head of Paid Service, a chief officer or deputy chief officer may only be confirmed where no well founded objection has been made by any Member of the Executive.

The dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer requires the approval of full Council before a notice of dismissal can be given.

## **10. Additional Requirements relating to Suspension, Disciplinary Action and Dismissal**

Subject to the requirements of Rules 7, 8 and 9, relating to the suspension, disciplinary action and dismissal of officers, the person or body taking such action shall comply with the requirements of the ***Disciplinary Procedure*** set out in the Harrow Scheme for Pay and Conditions.

## **11. Interests of Officers in Contracts**

An officer must give notice of any pecuniary interest in a contract entered into or proposed to be entered into by the authority. That notice must be given in writing to the Head of Paid Service, who shall record the information in a book to be kept for that purpose.