

PART C8**OFFICER EMPLOYMENT PROCEDURE RULES****1. Recruitment and employment****Declarations**

- 1.1 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 member of Council or officer of the Council, or of the partner of such a person.
- 1.2 No candidate so related to a member of Council or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her for this purpose.

Seeking support for employment

- 1.3 The Council, subject to rule 1.5 below, will disqualify any applicant who directly or indirectly seeks the support of any member of Council for any appointment with the Council. The content and effect of this paragraph shall be included in any recruitment information.
- 1.4 A member of Council, subject to rule 1.5 below, shall not seek support for any person for any appointment with the Council.
- 1.5 A member of Council may give a written reference attesting to a candidate's ability, experience or character for submission to the Council.

2. Recruitment of the Head of Paid Service and chief officers

- 2.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
- 2.1.1 Draw up a statement specifying:
- 2.1.1.1 The duties of the officer concerned.
- 2.1.1.2 Any qualifications or qualities sought in the person to be appointed.
- 2.1.2 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.

- 2.1.3 Make arrangements for a copy of the statement rule 2.1.1 to be sent to any person on request.

3. Appointment and dismissal of the Head of Paid Service

- 3.1 The Council shall appoint or dismiss the Head of Paid Service following the recommendation of a committee or sub-committee of the Council. The committee or sub-committee must include at least one member of the Cabinet. A proposal for dismissal other than for an Excluded Reason must be supported by a recommendation from the Chief Officer Appeals Sub-Committee convened in accordance with paragraph 10 below
- 3.2 An “Excluded Reason” in relation to this and subsequent paragraphs within this procedure relates to dismissal by reason of redundancy, permanent ill-health or infirmity of mind or body, or failure to renew a fixed term contract of employment (unless the authority has undertaken to renew such a contract) (“an Excluded Reason”).
- 3.3 The Council may only make an appointment or dismiss the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

4. Appointment and dismissal of Chief Financial Officer (s151 Officer) and Monitoring Officer

- 4.1 The Appointments Committee or a sub-committee of the Appointments Committee will appoint the Chief Financial Officer and the Monitoring Officer.
- 4.2 The Council shall only dismiss the Chief Financial Officer (s151 officer) and Monitoring Officer, other than for an Excluded Reason, following the recommendation of a committee or sub-committee of the Council which has been supported by the Chief Officer Appeals Sub-Committee convened in accordance with paragraph 10 below. The committee or sub-committee must include at least one member of the Cabinet.
- 4.3 The Council may only make an appointment or dismiss the Chief Financial Officer (s151 officer) and Monitoring Officer where no well-founded objection has been made by any member of the Cabinet.

5. Appointment and dismissal of chief officers

- 5.1 With the exception of the Director of Public Health and the City Manager for Health and Wellbeing the Appointments

Committee or a sub-committee of the Appointments Committee will appoint or dismiss chief officers. The committee or sub-committee must include at least one member of the Cabinet.

- 5.2 An offer of employment or dismissal as a chief officer, shall only be made where no well-founded objection from any member of the Cabinet has been received.
- 5.3 For the purpose of these rules “Chief Officer” means an officer fulfilling the role of the chief operating officer, corporate and other directors of the City Council and city manager.
- 5.4 The Director of Public Health and the City Manager for Health and Wellbeing will be appointed by the Head of Paid Service following the receipt of advice from an Advisory Appointments Panel. The Advisory Appointments Panel will be convened by the Head of Paid Service to the Council drawn from the following:
- i. the Chair of the Health and Wellbeing Board
 - ii. The members of the local authority fulfilling the roles from time to time of:
 - the Leader of Council or his/her nominated deputy
 - the Portfolio Holder with responsibility for Public Health
 - the Group Leaders of the political groups represented on the Council,
 - a further member or members of the majority group on Council should this be required to ensure that the majority of the seats allocated to elected members on the panel is allocated to the group which is a majority of the authority’s membership
 - iii. The Head of Paid Service of the Council or his/her nominated deputy
 - iv. An assessor from the Faculty of Public Health of the Royal Colleges of Physicians of the United Kingdom or such body as is able to provide advice to the Council of equivalent standing.
 - v. the Chief Executive of the Hull Clinical Commissioning Group

- vi. The Director of Public Health for the Yorkshire and Humber Strategic Health Authority or his/her nominee and from 1 April 2013 a representative of its successor body.
- vii. Such other individual or individuals as the Head of Paid Service may determine to be required to ensure that the Council employs in the position of Director of Public Health a person who is equipped to protect and improve the health of the population of Hull.

6. Appointment process for Chief Officers

- 6.1 The Appointments Committee or a sub-committee of the Appointments Committee (“the Committee”) will appoint chief officers. The Committee must include at least one member of the Cabinet
- 6.2 The Head of Paid Service or his/her chief officer nominee will attend at the meeting of the Committee to ask questions of candidates and to advise the Committee
- 6.3 The Committee will receive and give due consideration to:
 - 6.3.1 a comprehensive report of each shortlisted candidate’s professional competence for the post in question, and
 - 6.3.2 any advice provided by the chief executive or his/her corporate director nominee.

7. Appointments of Officers below chief officer

- 7.1 The appointment of officers below chief officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by members of Council.

8. Disciplinary action

The Appointments Committee will establish two sub standing sub-committees, namely an Investigation and Disciplinary Sub-Committee (the “Investigation Committee”) and a Chief Officer Appeals sub-committee (“Chief Officer Appeals Committee”) to deal with disciplinary matters in relation to chief officers.

9. Role of the Investigation Sub-Committee and the Chief Officer Appeals Sub-Committee

- 9.1 The role of the Investigation Sub-Committee in relation to Chief

Officers is

- 9.1.1 to consider whether the Chief Officer should be suspended while an investigation is undertaken;
- 9.1.2 to manage the conduct of such disciplinary investigations as may be necessary in relation to Chief Officers;
- 9.1.3 to conduct an initial investigation and consider whether the matter is capable of resolution without formal disciplinary action;
- 9.1.4 to consider whether to appoint an investigator to undertake an investigation;
- 9.1.5 to receive a report from the investigator prior to considering disciplinary action other than suspension; and
- 9.1.6 to determine what if any disciplinary action, to take in respect of a Chief Officer, save that where the officer fulfils the role of Head of Paid Service, Monitoring Officer or Chief Financial Officer, the sanction cannot include dismissal save where an Excluded Reason applies;
- 9.1.7 In relation to the Head of Paid Service, Monitoring Officer or Chief Financial Officer, where the Sub-Committee consider that dismissal is warranted for a reason other than an Excluded Reason, to make a recommendation to the Chief Officer Appeals Panel.

10. **The Chief Officer Appeals Sub-Committee**

- 10.1 The role of the Chief Officer Appeals Sub-Committee is to consider:
 - 10.1.1 any appeal against a decision made by the Investigation Sub-Committee;
 - 10.1.2 a recommendation from the investigation Sub-Committee for dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer, save that before doing so it must co-opt a minimum of two Independent Persons appointed under section 28(7) of the Localism Act 2011 onto the sub-Committee in accordance with paragraph 11 below.

10.2 **Suspension**

The Head of Paid Service, Chief Officers, Chief Finance Officer and Monitoring 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.

11. **Procedure at the Chief Officer Appeals sub-Committee when considering a proposal for dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer**

11.1 The Head of Paid Service, Chief Financial Officer or Monitoring Officer may not be subject to the sanction of dismissal except in accordance with a recommendation in a report to Council made by the Chief Officer Appeals sub-Committee:

11.2 In the event that the Investigation Sub-Committee following investigation make a recommendation for dismissal of an officer fulfilling the role of Head of Paid Service, Monitoring Officer or Chief Financial Officer, for a reason other than an Excluded Reason, the Chief Officer Appeals Sub-Committee shall be convened to consider the recommendation made by the Investigation Sub-Committee.

11.3 The Committee shall co-opt a minimum of two Independent Persons appointed under section 28(7) of the Localism Act 2011 onto the sub-Committee convened to consider the recommendation;

11.4 The Chief Officer Appeals Sub-Committee may either agree to refer the Investigation Sub-Committee's recommendation to Council or refer the matter back to the Investigations Sub-Committee to consider either no action or alternate action short of dismissal;

11.5 In the event that the Chief Officer Appeals Sub-Committee recommend that the matter be referred to Full Council to consider dismissal the meeting of Council fixed to consider the matter shall be fixed on a date not earlier than 20 days after the date of the Chief Officer Appeals Sub-Committee meeting.

11.6 The recommendation of the Chief Officer Appeals Sub-Committee shall be referred to each member of the Council's Cabinet and they shall be invited to identify whether they have a well founded objection to the proposal to dismiss.

12. **Procedure at Council Meeting considering dismissal of the Head of Paid Service, Chief Financial Officer or Monitoring Officer**

- 12.1 Where a meeting of Full Council receives a report from the Chief Officer Appeals Sub-Committee advising that it consider a recommendation of dismissal from the Investigations Sub-Committee in relation to the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer, the following procedure shall apply:
- 12.1.1 All members of Council will be provided with a report from the Chief Officers Appeals Sub-Committee incorporating the reasons for advising that the recommendation of the Investigating Sub-Committee be considered by Council;
- 12.1.2 The Chair of the Appeals Sub-Committee shall present the recommendations of the Appeals Sub-Committee to Council and advise Council of any objection to the proposal received by a member of the Council's Cabinet;
- 12.1.3 The officer who is subject to investigation shall be permitted to attend the meeting with his or her representative and be permitted to make representations to Council, either personally or through their representative
- 12.1.4 The officer and his or her representative will then withdraw
- 12.1.5 Council will debate the proposal, consider whether any objection to the proposal made by a member of Cabinet is well founded.
- 12.1.6 If satisfied that there is no well founded objection from a Member of Cabinet to the proposal, the officer will be advised and offered the opportunity to make any final representations.
- 12.1.7 The officer will then withdraw and Council will then determine the proposal to dismiss.

Requirement for consultation with the Secretary of State for Health

- 12.2 No disciplinary action other than suspension may be taken in respect of the Director of Public Health, except following consultation with the Secretary of State.

13. Dismissal

- 13.1 Members of Council 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, through the Council's disciplinary, capability and related procedures, as adopted from time to time, and any appeal to members of Council following a dismissal.