

## **PART 8**

# **Officer Employment Rules**

## Officer Employment Rules

1. The Council will engage persons for the following posts who will be designated Directors:-

<b><u>Post</u></b>	<b><u>Functions and areas of responsibility</u></b>
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions Representing the Council on partnership and external bodies (as required by statute or the Council)
Deputy Chief Executive	Finance, Property, Commercial, Scrutiny & Monitoring, Communications and Media, HR, ICT, Performance and Information, Policy and Programme Management
Executive Director of Growth, Highways and Infrastructure	Highways and Transport, Infrastructure, Archaeology, Economic Development, Environment Strategy, Countryside, Development, Spatial Planning and Waste Management
Corporate Director for Children and Young People's Services	Education, social services and health for children and young people, and Skills
Corporate Director for Adult and Community Services	Health and social care services for adults and older people
Chief Fire Officer and Executive Director for Public Safety	Fire and public protection, including trading standards, and Health and Safety
Director of Public Health	Protection and improvement to public health

2. The following posts are designated as shown:-

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Assistant Director, Governance, Legal and Assurance	Monitoring Officer
Head of Finance	Chief Finance Officer
Business Manager (Committee Services)	Scrutiny Officer

### 3. Functions of Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 4. Functions of Monitoring Officer.

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Head of Finance, the Monitoring Officer will report to the Council in respect of a Council function or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given, or will give, rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by members and officers through provision of support to the Audit Committee.
- (d) **Receiving complaints.** The Monitoring Officer will receive and act on complaints received regarding the conduct of

councillors, in accordance with the Council's agreed arrangements.

- (e) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all members.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

## 5. Functions of the Chief Finance Officer.

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Advising whether executive decisions are within the budget and policy framework.** The Chief Finance Officer will advise whether executive decisions are in accordance with the strategic and budgetary framework.
- (d) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (e) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and strategic and budgetary framework to all members and will support and advise members and officers in their respective roles.
- (f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

6. Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 6.

## **7. Rules Governing Recruitment, Appointment, Dismissal and Disciplinary Action for officers of the authority**

The County Council's HR policies and procedures supplement the various National Joint Councils in relation to chief officers, local government services and related staff, and Youth and Community workers.

It should be noted that the County Council's HR policies and procedures may not automatically apply to direct employees in schools, where Governing Bodies can exercise certain independent powers of action.

In addition the arrangements set out in the County Council's HR policies and procedures, the following policies and procedures are relevant here:

### **7.1 Conduct and Dismissal**

The County Council's Capability and Disciplinary Policies apply to all employees of the County Council with the exception of officers on JNC Chief Officer conditions of service and JNC for Youth and Community workers who are covered by separate arrangements.

For all teaching and non-teaching employees in locally managed schools similar arrangements are recommended to the Governing Bodies for adoption.

By virtue of partnership arrangements and some TUPE transfers, some employees of the County Council may be aligned to different disciplinary procedures. These must be consistent with statutory dismissal procedures and ACAS guidance and broadly consistent with the County Council's own procedures.

Dismissals by reason of permanent ill health and redundancy or premature retirement follow different procedures which are approved by the Council and published on mySCC.

### **7.2 Dismissal**

There are a number of reasons by which employees of the County Council may be fairly dismissed.

Arrangements for dismissal for disciplinary reasons, including gross misconduct, are set out the various disciplinary procedures (see above).

Arrangements for dismissal as a result of (in)capability are set out in the County Council's Disciplinary, Incapability, and Grievance Procedures. Alternative arrangements exist for those groups excluded from these procedures. In particular, the JNC for Chief Officers of Local Authorities

scheme of conditions of service makes specific reference to matters involving capability.

The County Council's Employee Relations arrangements include information about dismissal as a result of permanent ill health. Additional information about these arrangements is available from the HR Helpdesk.

The County Council's Human Resources Policies sets out those procedures which will apply in the event of redundancy or premature retirement. This policy may be found on mySCC.

## **8. Designated Officers under Local Authorities (Standing Orders) (England) Regulations 2001 ('the Regulations')**

For the purposes of Article 12.4 of Part 1 of this Constitution and the remainder of these Rules the following are designated officers (as defined by the Regulations)

Chief Executive;  
Executive Director of People Services  
Corporate Director for Children and Young People's Services;  
Corporate Director for Adult and Community Services;  
Director of Public Health  
Head of Finance (Section 151 Finance Officer); and  
Assistant Director (Governance, Legal and Assurance)  
(Statutory Chief Officers)

Deputy Chief Executive  
Executive Director of Growth, Highways and Infrastructure; and  
Chief Fire Officer and Executive Director for Public Safety;  
(Non statutory Chief Officers)

All other posts answerable directly to statutory and non statutory Chief Officers (Deputy Chief Officers)

## **9. Appointment and dismissal of Chief Executive**

The offer of appointment to the post of Chief Executive, to the person recommended by the Staff Appointments Committee, is subject to the approval of Full Council before any such offer of appointment is made. Similarly, the dismissal of the Chief Executive is subject to the approval of Full Council before notice of dismissal is given to that person.

## **10. Appointment and dismissal of designated officers**

10.1 The Staff Appointments Committee in respect of appointments, and the Dismissals Appeals Committee in respect of dismissals, of any designated officer shall comply with the following:-

- (a) Before confirming the appointment or dismissal of such an officer, or making any recommendation to Council before any offer or notice is given, notice of the person concerned together with details will be referred to the Head of HR.
  - (b) The Head of HR will notify each member of the Cabinet of the person concerned.
  - (c) The Leader will notify the Head of HR if the Cabinet has any objection to the appointment or dismissal and the grounds for the objection.
- 10.2 The appointment or dismissal will not take place if an objection is made unless the objection is not material or well founded.
- 10.3 The appointment or dismissal of the Director of Public Health must be agreed with the Secretary of State for Health.
- 11. Disciplinary action for conduct, capability and breakdown in trust against the Chief Executive, Chief Finance Officer (s151 officer), Assistant Director (Governance, Legal and Assurance) (Monitoring Officer) and a Deputy Monitoring Officer**
  - 11.1 Before taking any disciplinary action against these officers other than suspension on full pay for a period not exceeding two months, the allegation of misconduct, capability or breakdown in trust will be considered by the Dismissals Appeals Committee.
  - 11.2 The Dismissal Appeals Committee will decide if any investigation is required. If an independent investigator is required, the Council will approach the Joint Secretaries to the Joint Negotiating Committee for Chief Executives of Local Authorities, who will provide names of three individuals who are qualified to undertake this work.
  - 11.3 If these names are acceptable to the Dismissal Appeals Committee, the member of staff will be invited to select one of the names. If agreement is not reached within 5 working days then the Council will select an investigator.
  - 11.4 Otherwise the procedure shall be as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.