

HR Regulations

Except for the powers reserved to General Functions Committee, the offer, appointment, varying and ending of contracts of employment is a matter for the Head of Paid Service. The Head of Paid Service will discharge their responsibilities at an operational level through the Human Resources Director, save as to where such functions may not be discharged by Third Parties. Where a matter sits outside these Regulations then it must be referred to the Head of Paid Service for decision in consultation with the Council's Monitoring Officer.

Where the following issues arise from an organisational restructure, the restructure will be considered to have major implications and a report must be submitted to General Functions Committee for approval:

- The anticipated outcome of statutory consultation will mean that 20 or more employees are put at risk of redundancy/TUPE transferred
- Terms and conditions of employment are to be introduced (this excludes compliance with statutory requirements) or replaced (this means a new term or condition).

1. The Council Establishment

Directors, Assistant Directors, Commissioning Directors and Heads of Service are responsible for the provision of timely and accurate information about Establishment changes so that accurate lists are maintained and to ensure that establishment costs are within budget. Any changes to establishment must be recorded through a delegated powers report.

2. Offer, Appointment, Varying and Ending Contracts of Employment

2.1 Officer Employment Procedure Rules.

The Local Government Act 2000, the Local Authorities (Standing Orders) Regulations 2001 and the Local Authorities (Standing Orders) (Amendment) Regulations 2015 require the Council to have rules relating to the recruitment, appointment and dismissal of officers. These are set out below in Section 2.1.

Sections 2.1.3 to 2.1.5 are subject to the following restriction:

*No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision ([General Functions Committee, Policy and Resources Committee or Urgency Committee](#)) and not by delegated powers.

2.1.1 **Recruitment and appointment**

(a) Declarations

| Rule | Action |
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| (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 of the partner of such persons. | All candidates must complete a code of conduct declaration of interests statement as part of the appointment process. |
| (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. | The application will be passed to the Human Resources Director for the relevant Chief Officer decision. |

(b) Seeking support for appointment

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| (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. | This forms part of the application process. |
| (ii) No councillor will seek support for any person for any appointment with the council. | Forms part of the application process. |

2.1.2 ***Recruitment of Head of Paid Service and Chief Officers**

Where the council proposes to appoint a chief officer (including any appointment that may be made exclusively from among their existing officers), the council will:

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| <p>(a) draw up a statement specifying:</p> <ul style="list-style-type: none"> (i) the duties of the officer concerned; and (ii) any qualifications or qualities to be sought in the person to be appointed; <p>(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;</p> <p>(c) make arrangements for a copy of the statement mentioned in paragraphs (1) and 2(a) to be sent to any person on</p> | Appointment of Chief Officers is a function reserved to the Chief Officer Appointment Panel and may include an external appointment process |
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| request; and (d) Agree the minimum criteria by which objective selection may be made. | |
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2.1.3. *Appointment of Head of Paid Service

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| (a) The full council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the council. Full Council must also approve the dismissal of the Head of Paid Service | The Chief Officer Appointments Panel will make a recommendation on the appointment of the Head of Paid Service for approval by Full Council. |
| (b) The full Council may only make or approve the appointment of the Head of Paid Service. | |

2.1.4. *Appointment of Chief Officers

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| (a) A Committee of the council will appoint Chief Officers. | Appointment of Chief Officers is a functions reserved to the Chief Officer Appointments Panel. |
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2.1.5. *Other appointments

(a) Officers below Chief Officer.

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| Appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors. | The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions. |
| The Head of Paid Service will consult the Chair of the Chief Officers Appointments Panel before making an appointment of deputy Chief Officers. | The Head of Paid Service will consult the chairman of the Chief Officer Appointments Panel. Appointment of Deputy Chief Officers will be reported to General Functions Committee for information. |

(b) Appointment of political assistants

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| (i) The council may appoint up to three posts to provide assistance to the members of any political group to which members of the council belong to discharge any of their functions as members of the council. | The Monitoring Officer will be responsible for the allocation of posts. The Head of Paid Service will ensure that all appointments shall be made in accordance with the Council's contractual terms and conditions. |
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| <p>(ii) Each post shall first be allocated to a political group in accordance with Section 9 of the Local Government and Housing Act 1989, and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group that does not qualify for one.</p> <p>(iii) No appointment shall be made to any such post until the council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.</p> | |
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2.1.6. *Disciplinary action*

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| <p>(a) Suspension: The Head of Paid Service, Monitoring Officer and Chief Finance 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.</p> | <p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p> <p>The Head of Paid Service has the power to appoint a Designated Independent Person. Where the process involves the Head of Paid Service the Monitoring Officer shall have this power</p> |
| <p>(b) Independent person: No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.</p> | <p>The Head of Paid Service will be responsible to ensure that the correct processes are followed. Where the process involves the Head of Paid Service, the Council's Monitoring Officer will be responsible.</p> |
| <p>(c) Councillors will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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.</p> | <p>The Head of Paid Service will be responsible to ensure that the correct processes within the Council's contractual Terms and Conditions are followed.</p> |

2.1.7. *Dismissal*

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| <p>(a) Councillors will not be involved in the</p> | <p>The Head of Paid Service will be</p> |
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| <p>dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though 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.</p> | <p>responsible to ensure that the correct processes as allowed for within the Council's contractual Terms and Conditions are followed.</p> |
| <p>(b) Any decision to dismiss the Head of Paid Service, Chief Finance Officer and Monitoring Officer must be taken by full Council</p> | <p>Prior to Full Council considering the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the council must set up a panel to give views, advise and make recommendations to Full Council.</p> <p>The council must invite at least two independent persons to sit on this panel.</p> <p>The panel must be appointed at least 20 working days before the relevant meeting of Full Council.</p> <p>Before the taking of a vote at the relevant meeting of Full Council, the authority must take into account: a) any advice, views or recommendations of the Panel; b) the conclusions of the investigation into the proposed dismissal; and c) any representations from the relevant officer.</p> |
| <p>(c) Decisions to dismiss a Chief Officer shall be taken by the General Functions Committee</p> | |

2.2 Varying Terms and Conditions of employment

With the exception of chief officers, terms and conditions for employees will be determined by the Head of Paid Service within the agreed negotiating mechanisms. Where an Individual Market Factor Supplement is to be included for a position on grades LBB1 to LBB7, the Head of Paid Service, Directors or Assistant Directors must consult with the Chairman of the General Functions Committee and record the results of that consultation through a Delegated Powers Report.

Directors, Assistant Directors, Heads of Service and Commissioning Directors are responsible for the provision of timely and accurate information about changes to individual's Terms and Conditions of employment e.g. work place adjustments and flexible working request.

The Human Resources Director will ensure that contractual variations are properly authorised and allowed for within the Council's contractual Terms and Conditions and are made on an accurate and timely basis.

2.3 Leavers

The Head of Paid Service through the Human Resources Director will ensure that Leavers are managed in accordance with the Council's contractual Terms and Conditions and changes are made on an accurate and timely basis.

3 Employee Records

Directors, Assistant Directors and Commissioning Directors and Heads of Service are responsible for the provision of timely and accurate information about changes to employee Records e.g. absence information and input of Performance Reviews.

4. Salaries & allowances payable to Council employees and Pensioners

The Human Resources Director will ensure that properly authorised payments for Salaries and Allowances shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.

5. Members Allowances

5.1 The Chief Finance Officer shall make payments of allowances to Members of the Council, co-opted members and members of the public who attend other Council bodies who are entitled to make such claims on submission of the approved form.

5.2 The Human Resources Director will ensure that these payments are made on an accurate and timely basis.

5.3 The Monitoring Officer will be responsible for notifying the Human Resources Director of any changes to Members' Allowances.

6 Pensions Administration

6.1 The Head of Paid Service through the Human Resources Director will ensure that on an annual basis that each pensioner residing overseas provides a life certificate.

6.2 The Human Resources Director will ensure that on an annual basis that the Council's discretions under Regulation 66 of LGPS (administration) regulations 2008 and LGPS (Miscellaneous) Regulations 2012 are provided to the Chief Finance Officer for agreement.

6.3 The Human Resources Director will ensure that properly authorised payments for Pensions shall be made in accordance with the Council's contractual terms and conditions and these will be made on an accurate and timely basis.