

CHIEF OFFICER EMPLOYMENT PROCEDURE RULES

1.0 These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations').

2.0 Recruitment and appointment

2.1 Declarations

The application of any candidate for appointment shall state whether he or she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of a member or another officer of the Council or is the partner of such a person.

2.2 Seeking support for appointment

2.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any member for an appointment with the Council. The content of this paragraph shall be included in any recruitment information.

2.2.2 No member shall lobby on behalf of a candidate for an appointment with the Council.

3.0 Appointment and Conditions of Service of Head of the Paid Service, Strategic Directors, Monitoring Officer, Chief Finance Officer and Chief Officers on Devon County Council Grade D2 and above (hereinafter known as Chief Officers)

3.1 Where the Council proposes to appoint a Chief Officer, as defined above, it will establish an Appointments Committee comprising the Leaders of the Party Political Groups and two Cabinet Members nominated by the Leader of the Council one of whose remits shall, normally, be responsible for the relevant service area or Directorate within which the Officer would be employed. This Committee will

3.1.1 draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed

3.1.2 settle the terms and conditions of employment attaching to every such appointment

3.1.3 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 for a copy of the statement and approved terms and conditions of the post to be sent to every applicant

3.1.4 either interview all qualified applicants for the post or select a shortlist of such qualified applicants and interview those shortlisted

3.1.5 where no applications from qualified persons are received make arrangements for the post to be readvertised in accordance with the procedures set out in this paragraph

3.1.6 make a recommendation to the full Council upon an appropriate appointment

3.2 The Appointments Committee will normally be advised by the Head of Human Resources provided that in relation to remuneration issues it will be advised by the Director of South West Provincial Employers.

3.3. The Committee will meet a least annually to review remuneration or as otherwise required.

3.4 Matters relating to redundancy, permanent ill-health, expiration of fixed term contracts and/or grievances will be dealt with under established local policies and processes.

4.0 Other Appointments

4.1 The appointment and remuneration of Officers other than Chief Officers (other than assistants to political groups) is the responsibility of the Head of the Paid Service or his/her nominee in line with normal appointments processes and shall not be made by members.

4.2 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

4.3 A protocol by which in certain circumstances appointments may be made under joint working arrangements or partnerships and the arrangements for the management of such staff can be found at:
<http://staff.devon.gov.uk/atoz.htm/managingstaffappointmentsinjointworking.htm>

5.0 Remuneration of a Chief Officer

5.1 The Committee will:

- make recommendations to the full Council on pay and remuneration of a Chief Officers defined at 3 above;
- consider terms in the event of severance, in particular, to avoid 'rewarding failure' and mitigating loss;
- determine any requirement for a formal review of the relevant pay market;
- where necessary, commission relevant research and analysis and make recommendations thereon.

5.2 In making recommendations the Committee shall take account of any data/advice/evidence or views collected from appropriate sources, including:

- the Council's HR function;
- National and/or Regional Employers' Organisations;
- independent external pay data;
- submissions made by the Association of Local Authority Chief Executives on behalf of their members.

6.0 Disciplinary Action

6.1 Any decision to take disciplinary action against or to dismiss a Chief Officer as defined at 3 above or in relation to Officers below Chief Officer level referred to at 4 above shall be in line with the relevant Corporate Disciplinary Policy.

6.2 No disciplinary action (including dismissal) shall be taken by the Committee except for suspension against the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer other than in accordance with a recommendation in a report made by a Designated Independent Person acting in accordance with Regulation 7 of the 2001 Regulations.

6.3 The action mentioned in paragraph 6.2 is suspension of the officer for the purpose of investigation by the Committee of alleged misconduct occasioning the action. Any such suspension shall be on full pay and terminate no later than the expiry of two months from the day on which the suspension takes effect.