

West Berkshire Council Constitution

Part 12

Personnel Rules of Procedure

Document Control

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1	May 2011	Numbers realigned due to the removal of the previous Section 8 of the Constitution	
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3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	December 2014	12.1.1, 12.1.2, 12.1.3, 12.1.8 and 12.2.1	



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12.1 Recruitment and Appointment

12.1.1 Recruitment and Selection Policy

Recruitment of staff will be in accordance with the Council's adopted Recruitment and Selection Policy. It is the Council's policy to carry out all recruitment and selection activities to ensure that:

- Selection for interview and appointment is based solely on the qualifications, skills, experience and abilities necessary to do the job;
- Opportunities for promotion for existing employees are encouraged by advertising suitable vacancies internally only in the first instance;
- Disabled applicants who meet the minimum selection criteria for the job are guaranteed an interview;
- The Council works towards a workforce which matches, as closely as possible, the demographic make-up of the population of West Berkshire.

12.1.2 Legislation

The Council's recruitment and selection policy and procedures are governed by legislation and codes of practice, particularly the law relating to equality. The Council's recruitment and selection policy is set out in the Recruitment and Selection Policy, Procedure and Guidance document on the Council's intranet.

12.1.3 Declarations

These will be considered as follows:

- The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are a relative or partner of an existing Councillor or employee of the Council.

[Note: For the purposes of this paragraph a 'relative' is defined as a person who is related by blood or marriage.]

- A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- Every Member and Officer of the Council at senior management level or above shall disclose to the Chief Executive any relationship known to them to exist between themselves and any person they know is a candidate for an appointment with the Council.
- Where the recruiting manager selects for appointment a candidate who has a declared relevant relationship, they must clear the appointment with their Head of Service.
- Where one party to the relationship is the Head of Service, the appointment should be authorised by the Corporate Director and Head of Human Resources.

12.1.4 Seeking Support for an Appointment

The following conditions will apply:

- (a) Subject to Rule (c) below, 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 Rule will be included in any recruitment information.
- (b) Subject to Rule (c) below, no Member will seek support for any person for any appointment with the Council.
- (c) Nothing in Rule (a) and (b) above will preclude a Member from giving a written reference for a candidate for submission with an application for employment.

12.1.5 Recruitment of Chief Executive, Corporate Directors and Heads of Service

Where the Council proposes to appoint a Chief Executive, Corporate Director or Head of Service, 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:
 - the duties of the Officer concerned; and
 - 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;
- (c) make arrangements for a copy of the statement mentioned in (a) to be sent to any person on request.

12.1.6 Appointment of Chief Executive

The full Council will approve the appointment of the Chief Executive following the recommendations of the Appointments Panel. The Appointments Panel will include at least one Member of the Executive.

The full Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any Member of the Executive.

12.1.7 Appointment of Corporate Directors and Heads of Service

Corporate Directors and Heads of Service will be appointed by the Appointments Panel, which will include at least one Member of the Executive.

An offer of employment as a Corporate Director or Head of Service shall only be made where no well-founded objection from any Member of the Executive has been received.

12.1.8 Other Appointments

The following conditions will apply:

- Appointment of Officers below Head of Service (other than Group Executives) is the responsibility of the Chief Executive or their nominee and may not be made by Members.
- Appointment of a Group Executive shall be made in accordance with the wishes of that political group.

12.2 Disciplinary Action

12.2.1 Suspension

In terms of suspension, it must be noted that:

- only the Chief Executive has the authority to suspend a Corporate Director;
- only the Chief Executive or a Corporate Director has the authority to suspend a Head of Service;
- only an Officer at Head of Service level or above, or nominated manager where the Head of Service has authorised delegation, has the authority to suspend an employee not covered in the two points above.

12.2.2 Disciplinary action

Members will not be involved in ~~the~~ disciplinary action against any Officer below Head of Service except where such involvement is necessary for any investigation or enquiry into alleged misconduct. However, 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.

~~[Note: This procedure does not apply to the following employees: The Chief Executive, the Section 151 Officer or the Monitoring Officer who are subject to Statutory Regulations. Any disciplinary action against them must only be taken on the basis of a report from the Designated Independent Person and in accordance with the relevant statutory requirements.]~~

~~12.2.2~~ 12.2.3 Dismissal

Members will not be involved in the dismissal of any Officer below Head of Service level 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 may allow a right of appeal to Members in respect of dismissals.

Any proposal to dismiss the Chief Executive, the Section 151 Officer or the Monitoring Officer will be considered by full council, taking account of any advice, views or recommendations of the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the relevant officer. The independent panel must be appointed under the terms of Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, at least 20 working days before any meeting at which dismissal is to be considered.

12.3 Appointment of Assistants to Political Groups

12.3.1 Number of Posts

The Local Government and Housing Act 1989 enables Councils to create not more than three posts of Assistants to Political Groups.

12.3.2 Rules Relating to Creation of Posts

It also specifies processes that must be included in the Council's Rules relating to the making of appointments to any such posts. These are set out below:

- No such appointment shall be made until the Council has allocated such a post to each political group, which qualifies for one under the Act.
- No such appointment shall be made in respect of any political group, which does not qualify for one under the Act.
- Not more than one post shall be allocated to any political group.
- The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group