

Part 12

Personnel Rules of Procedure

Document Control

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| Author: | Moira Fraser – Democratic Services Manager | | |
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| 3 | | | |



Any Acts, Rules or Regulations mentioned in the text of this document can be accessed on the Office of Public Sector Information website at:

<http://www.opsi.gov.uk/legislation/uk>

If you require this information in a different format, such as audio tape or in another language, please ask an English speaker to contact Moira Fraser on 01635 519045 who will be able to help.

Contents

| | | | |
|--------|--|---|------------|
| 12.1 | Recruitment and Appointment..... | 1 | Deleted: 1 |
| 12.1.1 | Recruitment Policy..... | 1 | Deleted: 3 |
| 12.1.2 | Legislation..... | 1 | Deleted: 1 |
| 12.1.3 | Declarations..... | 1 | Deleted: 3 |
| 12.1.4 | Seeking Support for an Appointment..... | 1 | Deleted: 1 |
| 12.1.5 | Recruitment of Chief Executive, Corporate Directors and Heads of Service..... | 2 | Deleted: 3 |
| 12.1.6 | Appointment of Chief Executive..... | 2 | Deleted: 1 |
| 12.1.7 | Appointment of Corporate Directors and Heads of Service..... | 2 | Deleted: 3 |
| 12.1.8 | Other Appointments..... | 2 | Deleted: 2 |
| 12.2 | Disciplinary Action..... | 2 | Deleted: 3 |
| 12.2.1 | Suspension..... | 2 | Deleted: 2 |
| 12.2.2 | Dismissal..... | 3 | Deleted: 3 |
| 12.3 | Appointment of Assistants to Political Groups..... | 3 | Deleted: 2 |
| 12.3.1 | Number of Posts..... | 3 | Deleted: 3 |
| 12.3.2 | Rules Relating to Creation of Posts..... | 3 | Deleted: 2 |
| | | | Deleted: 3 |

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12.1 Recruitment and Appointment

12.1.1 Recruitment Policy

[The Council's recruitment policy and procedures are set out in the Recruitment and Selection Policy, Procedure and Guidance document . This is available on the Council's HR intranet pages.](#)

Recruitment of staff will be in accordance with the Council's Recruitment Policy which states:

["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, and that the Council works towards a workforce which matches, as closely as possible, the demographic make up of the population of West Berkshire."](#)

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12.1.2 Legislation

The Council's recruitment and selection policy and procedures are governed by extensive legislation, [in particular the Equality Act 2010, the Employment Rights Act 1996, and the Immigration, Asylum and Nationality Act 2006.](#)

Deleted: "the Council will recruit from the widest possible field and will appoint on the sole criterion of merit, except where race and gender is a genuine occupational qualification, or there are exceptional circumstances i.e. potential redundancy".

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Deleted: They also reflect the Council's own procedures and Rules set out in Series 2 of the Management Guidance Notes and which supplement the Rules set out here.

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12.1.3 Declarations

These will be considered as follows:

- The Council will [require 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 him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.
- No candidate so related to a Member or an Officer will be appointed to the same Service Unit without the authority of the Chief Executive or relevant Corporate Director.

12.1.4 Seeking Support for an Appointment

The following conditions will apply:

- 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.
- Subject to Rule (c) below, no Member will seek support for any person for any appointment with the Council.

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- (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:
- (i) the duties of the Officer concerned; and
 - (ii) 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 assistants to political groups) is the responsibility of the Chief Executive or his/her nominee and may not be made by Members.
- Appointment of an assistant to a political group 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:

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- 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 by (i) and (ii) above;

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.

12.2.2 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.

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

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