

FAREHAM

BOROUGH COUNCIL

**STANDING ORDERS ~~WITH RESPECT TO~~ FOR
THE APPOINTMENT, DISMISSAL AND
DISCIPLINE OF EMPLOYEES**



Revised October 2015

FAREHAM BOROUGH COUNCIL

STANDING ORDERS ~~WITH RESPECT TO~~FOR THE APPOINTMENT, DISMISSAL AND DISCIPLINE OF EMPLOYEES

1. General

- 1.1. These Standing Orders govern the Council's procedures for the appointment, dismissal and discipline of employees, including the provisions required by statutory Regulation.
- 1.2. Schedule 1 Part II to the Regulations, as set out at Appendix A, are deemed to be part of these Standing Orders.

2. Employee Establishment ~~and Filling of Vacancies~~

- 2.1. Every appointment of a person to a post or paid office with the Council must be made on merit and in accordance with the ~~provisions of the Disability Discrimination Act 1995 and other legislation, including racial and sexual discrimination legislation~~Equalities Act 2010, ~~and other legislation,~~ Regulations and Codes of Practice governing the appointment, transfer and/or promotion of employees, ~~particularly in relation to the evidence of unfair discrimination.~~
- 2.2. The Council will approve the ~~overall permanent employee establishment and structure~~pay policy and the annual employee budget, on the recommendation of the Head of Paid Service. No change may be made to the structure of the permanent establishment until the Head of Paid Service has identified the source of any additional funding required.
- 2.2.2.3. ~~Officers will regularly review the recruitment process to ensure it is relevant and is up to date with modern HR practices and compliant with current legislation.~~
- ~~2.3. Unless filled by promotion or transfer, all vacancies will be publicly advertised unless the Head of the Paid Service determines otherwise.~~
- ~~2.4. If a similar vacancy occurs within six months of the filling of a vacancy which has been publicly advertised, the appointing Chief Officer may appoint one of the former applicants.~~
- 2.5.2.4. ~~A vacancy for a senior officer (normally graded at local grades 6 or 7) may be advertised in one or more newspapers or in journals circulating primarily among persons who may be expected to meet the person specification for the post.~~

3. Recruitment and Appointment

3.1. Declarations

- (a) A candidate for appointment as an employee must state ~~in writing~~ whether they are the parent, step-parent, grandparent, partner, spouse,

child, step-child, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or employee of the Council, or of the spouse or partner of such a person; ~~and such~~The candidate must also state ~~in writing~~ if they are known to any existing Councillor or employee of the Council.

- (b) A candidate who fails to disclose such a relationship ~~will~~may be disqualified for the appointment and if appointed ~~will~~may be liable to dismissal without notice.
- (c) No candidate so related to a councillor or an employee will be appointed without the authority of the ~~relevant chief officer or an officer nominated by him/her~~Head of Paid Service.
- (d) For the purpose of this Standing Order, a person will be deemed to be a partner of a candidate if they are living together as a couple.

3.2 Seeking support for appointment:

- (a) Subject to paragraph (c) above, 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.
- (b) A ~~member of the Council~~Councillor may not seek support for any person for any appointment with the Council but this will not ~~preclude~~prohibit a ~~member~~Councillor from giving a written reference ~~or testimonial~~ of a candidate's ability, experience or character.

4. Recruitment of the Head of Paid Service and ~~Chief Officers~~Directors

4.1. Where the Council proposes to appoint the Head of Paid Service or a Chief Officer/Director and it is not proposed that the appointment will be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying the duties of the post 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, and
- (c) make any arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

5. Appointment of Head of Paid Service/Monitoring Officer/Chief Finance Officer

5.1. The ~~full~~ Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer following the recommendation of such an appointment by a committee or sub-committee of the Council, unless part of a Senior Management restructure when the matter will be reported directly to Council for decision. A committee or sub-

committee must include at least one member of the Executive and meet political proportionality rules.

6. **Appointment of ~~Chief Officers~~ Directors and Heads of Service ~~Deputy Chief Officers~~**

6.1. The Council A committee or a sub-committee of the Council with delegated authority will appoint ~~Chief Officers~~/Directors. That ~~committee~~ or sub-committee must include at least one member of the Executive and meet political proportionality rules.

6.2. Appointments of ~~Deputy Chief Officers~~ Heads of Service shall be made by the Head of Paid Service or relevant ~~Chief Officer / Director~~, ~~provided that the Council or a Committee of the Council may make such appointments as it shall require from time to time~~.

6.3. An offer of employment as a ~~Chief Officer~~ Director or ~~Deputy Chief Officer~~ Head of Service shall only be made where no ~~well-founded~~ valid objection from any member of the Executive has been received and verified.

7. **Other Appointments**

7.1. Officers below ~~Deputy Chief Officer~~ Head of Service

Appointment of officers below ~~Deputy Chief Officer~~ Head of Service is the responsibility of the Head of Paid Service or ~~his/her~~ nominee and ~~may not~~ cannot be made by councillors.

7.2. Assistants to Political Groups

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

8. **Disciplinary Action**

8.1 The statutory provisions of Schedule 3 to the Regulations, as set out at Appendix B, are deemed to be part of these Standing Orders.

8.2 ~~Suspension~~ Statutory Officers

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 be in accordance with Council's Code of Conduct and Disciplinary Rules and Procedure, ~~last no longer than two months~~.

8.3 ~~Independent Person~~

No disciplinary action in respect of the Head of the authority's Paid Service, its Monitoring Officer or its Chief Finance Officer may be taken by the authority, other than in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. This includes the appointment of an Independent Panel and the decision maker having regard to:

- (i) any advice, views and recommendations of the panel,
- (ii) the conclusions of any investigation into the proposed dismissal and
- ~~(+)(iii) any representations from the relevant officer.~~

~~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.~~

~~8.4 The Council's disciplinary, capability and related procedures, allows a right of appeal for Directors to the Council's Appeals Committee in respect of disciplinary action. All other employees will be dealt with in accordance with the Council's Employee Code of Conduct and Disciplinary Rules and Procedures. Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.~~

~~8.48.5 The Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to the Council's Appeals Committee in respect of disciplinary action. Councillors will not be involved in the disciplinary action against any officer below Director except where a Councillor is specifically invited as a witness for any investigation or inquiry into alleged misconduct.~~

9. Dismissal

~~9.1. Councillors will not be involved in the decision to dismissal of any officer below ~~Deputy Chief Officer~~ Director except where a Councillor is specifically invited as a witness ~~except where such involvement is necessary~~ for any investigation or inquiry into alleged misconduct.~~

~~9.1. The Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to the Council's Appeals Committee in respect of dismissals.~~

10. Definitions

'Regulations' means the Local Authorities (Standing Orders) (England) (Regulations) 2001 and Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

'Chief Officer' and 'Deputy Chief Officer' have the same meaning as within section 2 of the Local Government and Housing Act 1989.

'Head of Paid Service' and 'Monitoring Officer' mean the officers designated by the Council under sections 4 and 5 respectively of the Local Government and Housing Act 1989.

'Chief Finance Officer' means the officer designated under section 151 of the Local Government Act 1972 or section 6 of the Local Government and Housing Act 1989.

'Councillor' means an Elected Member of Fareham Borough Council.

Fareham Borough Council's management structure includes the following posts:
Chief Executive Officer = Head of Paid Service

Statutory Officers = Head of Paid Service, Chief Finance Officer (Section 151) and Monitoring Officer

Director = Chief Officer (non-Statutory)

Head of Service = Deputy Chief Officer

Part 7 of the Constitution contains Fareham Borough Council's Management Structure Chart.