

PART C – EMPLOYMENT PROCEDURE RULES

INTRODUCTION

1. The Council has developed these regulations in order to outline the process to be followed when appointing or dismissing employees or taking disciplinary action against employees.
2. These regulations also deal with who has responsibility for changes to staffing structures. Staffing structures specify the number and types of posts that exist in each department.

APPOINTMENT AND DISMISSAL - SENIOR EMPLOYEES

3. The Senior Staffing Committee is responsible for the appointment and dismissal of, and the taking of disciplinary action against, the following employees (who will be known as “Senior Employees” for the purposes of these regulations):
 - a. Chief Executive;
 - b. Corporate Directors;
 - c. Service Directors;
 - d. where the statutory role of the Head of Paid Service, Chief Finance Officer or Monitoring Officer is held by another post holder, that post holder.
4. The Senior Staffing Committee will meet as and when required.
5. The appropriate Cabinet Member for the post being considered will always be present as a member of the Senior Staffing Committee. The Senior Staffing Committee will have a membership of five.
6. The Senior Staffing Committee will be required to follow the Council’s Recruitment and Selection Policy.

APPOINTMENTS

7. The Council may choose to appoint any of the Senior Employees from an internal pool of candidates or by externally advertising.
8. The Council will draw up a job description and person specification which will be sent to any person on request.
9. The Senior Staffing Committee will draw up a shortlist of candidates for interview and assessment and will interview all short-listed candidates in accordance with:
 - a. the Recruitment and Selection Policy; and
 - b. the advice of an appropriate HR advisor.

10. The preferred candidate will be offered the post subject to satisfactory references and pre-employment checks.
11. A final decision in respect of the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer rests with Full Council.
12. Where a reorganisation affects the structure/numbers of Senior Employee posts, posts in the new structure will be filled in line with the enabling process agreed at the time. Any competitive interviews will be carried out by the Senior Staffing Committee in accordance with the enabling process.

DISMISSALS AND DISCIPLINARY ACTION

13. In the case of dismissals, the Senior Staffing Committee will hear the case against the Senior Employee concerned and the hearing will be conducted in accordance with the Council's Disciplinary Procedure or the relevant statutory procedure in the case of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
14. A final decision in respect of the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer rests with full Council. Full Council will consider the proposal to dismiss in accordance with the relevant statutory requirements and any associated detailed procedures and must approve such dismissal before a notice of dismissal is issued.
15. The Senior Employee (unless the employee is the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer) will have a right of appeal in accordance with the appeals process set out in the Personnel Handbook.
16. In the case of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, no disciplinary action may be taken until the advice, views or recommendations of an independent panel are considered by Senior Staffing Committee as the body authorised by the Council to act as the relevant Investigation and Disciplinary Committee under the relevant statutory process. The neutral act of suspension for the purpose of investigating the alleged misconduct can be made by:
 - a. the Monitoring Officer in relation to the Head of Paid Service; or
 - b. the Head of Paid Service in relation to the Chief Finance Officer or the Monitoring Officer,

in consultation with the Council Leader and Chairman of Governance and Ethics Committee and any suspension will be on full pay and for a period of no longer than two months.

Where any conflict of interest exists which would make the exercise of the above authority inappropriate, the neutral act of suspension can be made by the Deputy Chief Executive, having first taken advice from the Head of HR and the Deputy Monitoring Officer before undertaking consultation as required above.

17. The Appeal body for the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer is Governance and Ethics Sub-Committee for disciplinary matters falling short of any proposal to dismiss and Full Council if dismissal is being proposed.

APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS

18. The appointment of any person as a political assistant must be done in accordance with legislative requirements.

APPOINTMENT, DISMISSAL AND MANAGEMENT OF ALL OTHER EMPLOYEES

19. The appointment, dismissal and management of employees (except Senior Employees) including disciplinary action will be carried out by properly authorised officers of the Council in line with the Recruitment and Selection Policy, other employment policy and procedures agreed by the Council and in compliance with statutory obligations.

EMPLOYMENT POLICIES AND PROCEDURES

20. The Council recognises national collective bargaining and acknowledges the role of national negotiating bodies in agreeing a framework of terms and conditions for local government employees.

21. Regular information will be provided to Cabinet Members and any relevant Committees as and when required and requested regarding staffing.

22. The Council will develop and amend employment policies as required.

23. Proposals for new initiatives, for changes to existing employment policies and the development of management guidance will be developed by the Head of Paid Service in consultation with the Cabinet Member for Personnel.

24. Proposals for new employment policies or changes to existing policies will be subject to consultation and negotiation with the recognised trade unions through the agreed mechanisms as set out in the Employment Relations Agreement as amended from time to time.

25. Following consultation changes to existing employment policies and new policy matters will be considered by:

Type of matter	Decision maker
New policy re pay terms and conditions	Governance and Ethics Committee
New policy/major changes on employment issues not relating to pay terms and conditions	Cabinet

Minor changes to policy on employment issues not relating to pay terms and conditions	Cabinet Member for Personnel
Management guidance	Head of Paid Service
Development of initiatives for approval	Head of Paid Service

26. Details of approved employment policies and procedures and any changes will be set out in the Personnel Handbook, policy documents or guidelines as appropriate.
27. The Council will recommend that community schools adopt the Council's approved employment policies and procedures; however, the adoption or otherwise of such policies will be a matter for the school governing body, if such responsibility rests with them.

CHANGES TO STAFFING STRUCTURES

28. Corporate Directors have the authority to appoint to temporary posts for up to 3 months. Any other changes to staffing structures may be made either by the relevant Corporate Director under the Officer Scheme of Delegation (GEN.04) where such changes are within the existing cost envelope or by the relevant Cabinet Member where a budgetary increase is required.
29. Other than appointment to a temporary post for less than 3 months, a formal report will need to be presented to the relevant Corporate Director or Cabinet Member in accordance with paragraph 28 and must include the required advice and HR comments to be fully considered prior to a decision being taken.
30. The recognised trade unions will be engaged in meaningful consultation on all proposed changes to staffing structures and any views given should be fully considered prior to a decision being made.

Changes to STAFFING and STRUCTURE Records

31. The Business Services Centre (BSC) will maintain staffing and structure records. The Corporate Directors and their nominees must ensure that any changes to the staffing structures within their departments are notified to the BSC immediately after authorisation via the established procedures. This must include all changes to staffing structures to ensure the authorised staffing establishment is updated and maintained.

PAY AND GRADINGS

32. Full Council will approve the Council's annual Pay Policy Statement.
33. For posts occupied by staff employed under the NJC for Local Government Services Agreement, the initial grading and any subsequent re-grading will be determined by the application of either the NJC or Hay Job Evaluation Schemes.
34. All gradings for new, existing, and changed posts following evaluation using the Hay or National Job Evaluation Schemes will be automatically implemented and incorporated into contracts of employment.
35. The grading of new posts needs to be detailed in the reports to the relevant Corporate Director or Cabinet Member regarding establishing those posts.
36. With the exception of honoraria and market factor supplement payments that have been considered through the approved process set out in the Personnel Handbook, there is no discretion to apply extensions of pay above or outside of authorised pay bands. All honoraria and market supplement payments will be reported back to the Cabinet Member for Personnel periodically.
37. As a result of national collective bargaining, the Council will implement national pay awards as agreed by the various national joint negotiating bodies from time to time. The Council will determine a local pay structure comprising a number of salary bands, based on the National Pay Spine, extended as appropriate.

RESOLUTION OF DISPUTES UNDER THE EMPLOYMENT RELATIONS AGREEMENT

38. Arrangements for the conduct of relationships with the recognised trade unions will be set out in the Employment Relations Agreement which is agreed between the parties.
39. The Employment Relations Agreement will incorporate the structure and mechanisms for dialogue, consultation, and negotiation with recognised trade unions at both corporate and departmental level and will include joint arrangements for the resolution of disputes including the establishment of a Local Joint Resolutions Committee.
40. A separate process for trade union consultation and negotiation with schools may be agreed directly with the relevant trade unions.