OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT, SELECTION AND APPOINTMENT

(a) Declarations

The Council has a Recruitment and Selection Policy and Code of Practice that prescribes a corporate policy framework and a set of corporate standards ensuring that open, fair and ethical arrangements are in place for the appointment of employees. The Council’s standard application forms require applicants to disclose whether or not they are related to a Councillor or senior officer of the Council. Applicants are also required to sign a declaration that they have not canvassed, either directly or indirectly, any Member or officer of the Council, in connection with their application.

(b) Participation in the Appointments Process

i. All appointments to fall into one of two categories. The position of the vacant post within the organisation will determine its category and the identity of those individuals with the authority and responsibility for the recruitment process.

ii. Category A: Officers covered by the Joint Negotiating Committees for Chief Executives and Chief Officers; i.e., Chief Executive/Head of Paid Service, Directors of County Services and percentage related Chief Officers.

Appointment of the Chief Executive/Head of Paid Service shall be the prerogative of the Council. The Recruitment and Selection process will be devolved to a Senior Staff Committee who will make recommendation(s) to Council.

In regards to other vacancies, the Chief Executive will be responsible for the preliminary shortlist stage, the Senior Staff Committee having delegated power to appoint.

iii. Category B: Other posts.

Appointments in this category shall be the responsibility of the Chief Executive/ Head of Paid Service delegated as appropriate to Directors and other Senior Managers. Appointments will normally be undertaken by a line manager, with advice and involvement from the Human Resources Division, as appropriate.

(c) Appointment of Chief Officers

i. Where it is proposed to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006, and it is not
proposed that the appointment be made exclusively from among its existing officers, the following procedures will be followed—

(a) a statement will be drawn up specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed, i.e., a job description;

(b) arrangements will be made 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) arrangements will be made for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

i Subject to sub-paragraph ii below, where the Council:

(1) proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended; and

(2) the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum;

it must first take the following steps:

(a) To 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) To make arrangements for the post to be publicly 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) To make arrangements for a copy of the statement mentioned above to be sent to any person on request.

ii Where sub-paragraphs i (1) and (2) above apply, the Council is not required to take the step set out in sub-paragraph i (2) (b) above, if it proposes to appoint the chief officer for a period of no longer than 12 months.

iii. (1) Where a post has been advertised as provided in sub-paragraph i 2(b) above, either -

(a) all qualified applicants for the post will be interviewed, or

(b) a short list of such qualified applicants will be selected and those included on the shortlist will be interviewed.

(As is confirmed in sub-paragraph1(b)ii above, the recruitment and selection process for the appointment of the Chief Executive/Head of Paid Service is devolved to the Senior Staff Committee who will make recommendation(s) to Council. In relation to
vacancies for other Chief Officers (within the meaning of the Regulations), the Chief Executive will be responsible for the preliminary shortlist stage.)

(2) Where no qualified person has applied, or if it is decided to re-advertise the appointment, further arrangements for advertisement may be made in accordance with Paragraph i.(b) above.

2. **DISCIPLINARY ACTION/DISMISSAL**

(a) A local Disciplinary Procedure is in place that applies to all employees of Pembrokeshire County Council, except:

(i) In regard to **Directors**, other than the Director of Finance and Leisure, who is designated as the Authority’s Chief Financial Officer, procedures are as laid down in the appropriate National Conditions of Service.

(ii) **School-based Personnel**

A Disciplinary Procedure – “Managing Staff in Schools” is used, and it covers all employees employed solely at educational establishments and who are under the responsibility of the Governing Body.

(iii) **Casual Employees**

Employment can be terminated immediately or by the giving of appropriate notice, as required.

(iv) **Trainees**

A ‘Disciplinary Procedure for Trainees’ document is used.

(v) **Head of Paid Service, Monitoring Officer and Chief Financial Officer and Head of Democratic Services**

(4) No disciplinary action (other than action to which paragraph (2) below applies) in respect of the Head of Paid Service, Monitoring Officer, or Chief Financial Officer and Head of Democratic Services or an officer who was, but at the time an investigating committee is appointed no longer is, one of those before mentioned officers, where the alleged misconduct, occurred during the period when the officer was one of those before mentioned officers (“a Former Officer”), may be taken by the Authority, or by a Committee, a Sub-Committee, a Joint Committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a Report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended, (Investigation of Alleged Misconduct).
(2) The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) If it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against -

(i) The Head of Paid Service;
(ii) Monitoring Officer;
(iii) Chief Financial Officer;
(iv) Head of Democratic Services or
(v) A Former Officer

("the relevant officer"), as the case may be, the Authority must appoint a Committee ("an investigation committee") to consider the alleged misconduct.

(4) The investigation committee must:

(i) Consist of a minimum of three Members of the Authority;
(ii) Be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989; and must within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(5) For the purpose of considering the allegation of misconduct, the investigation committee:

(i) May make such enquiries of the relevant officer or any other person it considers appropriate;
(ii) May request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
(iii) May receive written or oral representations from the relevant officer or any other person it considers appropriate.

(6) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person") for the purposes of paragraph (1) above.

(7) The designated independent person who is appointed -

(i) Must be such person as may be agreed between the Authority and the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or
(ii) Where there is no such agreement, must be such person as is nominated for the purpose by the National Assembly for Wales Welsh Ministers.

(8) The designated independent person -

(i) May direct -

(a) That the Authority terminate any suspension of the relevant officer;
(b) That any such suspension is to continue after the expiry of the period of two months referred to in paragraph (2) above;
(c) That the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
(d) That no steps (whether by the Authority or any Committee, Sub-Committee or officer acting on behalf of the Authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (iv) below;

(ii) May inspect any documents relating to the conduct of the relevant officer which are in the possession of the Authority, or which the Authority has power to authorise the designated independent person to inspect;

(iii) May require any Member or member of staff of the Authority to answer questions concerning the conduct of the relevant officer;

(iv) Must make a report to the Authority -

(a) Stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and

(b) Recommending any disciplinary action which appears appropriate for the Authority to take against the relevant officer and;

(v) Must no later than the time at which the Report is made under sub-paragraph (iv) above, send a copy of the report to the relevant officer.

(9) Subject to paragraph (10) below the relevant officer and the Authority must, after consulting the designated independent person, attempt to
agree a timetable within which the designated independent person is to undertake the investigation.

(10) Where there is no agreement under paragraph (9) above, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

(11) The Authority must consider the report prepared under paragraph 8(iv) above within one month of receipt of that report.

(12) The Authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this Procedure Rule.

(13) This Procedure Rule does not apply in relation to the Head of Paid Service if that person is also the Council Manager of the Authority.

(“Disciplinary Action”, means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Authority, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract.)

3. **PROCEDURE RULE RELATING TO CERTAIN CATEGORIES OF STAFF**

(a) Subject to Paragraphs (b) and (d) (e) below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the officer designated under Section 4(1) of the Local Government and Housing Act 1989, as the Head of Paid Service or by an officer nominated by the Head of Paid Service.

(b) Paragraph (a) above does not apply to the appointment or dismissal of, or disciplinary action against -

(i) The officer designated as the Head of Paid Service;
(ii) A Statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act (Statutory Chief Officers);
(iii) A non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
(iv) Any other person employed under the terms and conditions for employment of the Joint Negotiating Committee for Chief Officers in Local Government;
(v) A person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups);

(vi) A person to whom regulations apply with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the Local Education Authority;

(vii) The officer designated as the Monitoring Officer, or

(viii) The officer designated as the Head of Democratic Services.

(c) Paragraph (a) above does not apply to the dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed:-

(i) Who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in sub-paragraphs (i) to (viii) of Paragraph (b) above; and

(ii) Where the alleged misconduct, or as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was an officer referred to in sub-paragraphs (i) to (viii) of Paragraph (b) above.

(d) (i) Where a Committee, Sub-Committee or officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of Paid Service, the Council must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

(ii) Where a Committee or a Sub-Committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (i), (ii), (iii), (iv), (vii) or (viii) of Paragraph (b) above -

(1) At least one member of the Executive must be a member of that Committee or Sub-Committee; and

(2) Not more than half of the members of that Committee or Sub-Committee are to be members of the Executive.

(e) Nothing in sub-paragraph (a) above, prevents a person from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by-

(i) Another person against any decision relating to the appointment of that other person as a member of staff of the Council; or

(ii) A member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

(f) The Council must determine the level, and any change in the level, of the remuneration to be paid to a chief officer as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended.
("Disciplinary Action", means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract.)

Elected Members will not be involved in a disciplinary action/dismissal of any officer, except where such involvement is necessary for any investigation or enquiry into alleged misconduct as may be laid down in conditions of service and statutory guidance. The right of appeal stages in respect of dismissal, redundancy, discipline, capability, etc., will be secured by the principle of providing such appeal to a level of management not previously involved in the case.