



Committee and Date

Council
21st March 2024

Item

Public



Senior Officer Employment Procedure

Responsible Officer:	Sam Williams – Assistant Director Workforce & Improvement		
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Cabinet Member (Portfolio Holder):	Cllr Gwilym Butler, Finance, Corporate Resources and Communities		

1. Synopsis

Council is requested to approve an updated procedure for the appointment, dismissal and disciplinary action, in respect of Senior Officers.

2. Executive Summary

- 2.1. The Council’s Constitution already contains Standing Orders within Part 4 dealing with the appointment, dismissal and disciplinary action in respect of the officers described at paragraph 7.3 below.
- 2.2. Following a review of the procedures under-pinned by these Standing Orders it is recommended that an updated procedure, to be referred to as the “Senior Officer Employment Procedure” (as set out at Appendix 1) is approved.
- 2.3. In summary, this procedure covers the following:
 - A. Clarity on the definitions of Chief Officers, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers in line with the Localism Act 2011.
 - B. Recruitment and appointment of the above officers.
 - C. Grievances relating to the above officers.

- D. Disciplinary Action and Dismissal relating to the above officers, taking account of the specific requirements in relation to the Head of Paid Service (HoPS), Section 151 Officer and Monitoring Officer, as set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (the Regulations) (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, the Chief Executive Employment Procedure Rules 2008.
- E. They also provide for the establishment of a Chief Officer Employment Panel. The constitution and terms of reference for this Panel is set out at Section 4 of Appendix 1 and the advantage of having a standing arrangement is that the Panel can be convened at short notice without the need to seek separate Council approval.

2.4. The adoption of such procedure will be in accordance with the Shropshire Plan priority of having a Healthy Organisation where senior staff understand the precise process by which they are to be appointed, disciplined and, in certain circumstances, dismissed. The current procedures cover these eventualities but needed to be updated to provide clarity and in line with best practice.

3. Recommendations

That Council:

- 3.1. adopt the proposed procedure attached at Appendix 1.
- 3.2. establish the Chief Officer Employment Panel.
- 3.3. delegate to the Assistant Director for Workforce and Improvement the power to make minor amendments to the procedure at 3.1 in consultation with the Portfolio Holder for Finance and Corporate Resources.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. It is important that the Council has in place robust procedures to deal with employment related matters for senior officers. The failure to do so could lead to challenges from senior members of staff etc. There might even be a situation where it is suggested that such staff have been appointed or disciplined/dismissed other than in accordance with the correct legal requirements.
- 4.2. Having robust and clear procedures for the recruitment, discipline and dismissal of senior staff provides confidence in the organisation's reputation as an employer of choice and the recruitment and retention of high-quality staff.

5. Financial Implications

- 5.1. There are no financial implications of adopting these procedures. Robust and clear procedures for senior staff are likely to save costs in seeking external advice and/or dealing with any employment related claims.

6. Climate Change Appraisal

- 6.1. There are no Climate implications arising from the adoption of these procedures.

7. Background

- 7.1. The functions of appointing staff, determining their terms and conditions of service (including remuneration) and procedures for their dismissal¹ cannot be executive functions. They are therefore Council functions which can be delegated as appropriate. It is recommended that Council approve the Senior Officer Employment Procedure and establishment of the Chief Officer Employment Panel as it provides a robust approach that is flexible enough to allow political considerations to be part of the process, while enabling the Council to respond promptly to urgent issues.
- 7.2. The function of appointment, dismissal and the taking of disciplinary action against a member of Council staff, must be discharged by the Head of Paid Service (HoPS) or by an officer nominated by them. In practice this is dealt with through the responsibilities set out within an officer's job description.
- 7.3. However, the general principle set out in paragraph 7.2 does not apply to the appointment or dismissal of, or disciplinary action against: Head of Paid Service (HoPS); a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts); a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act; a deputy chief officer within the meaning of section 2(8) of the 1989 Act (for more details please see Annex 1 to the Senior Officer Employment Procedure);
- 7.4. The Council's current Standing Orders within Part 4 of the Constitution provide that the Council's Head of Paid Service (HoPS), Chief Finance Officer (S151) or Monitoring Officer (referred to here as "statutory officers") may not be dismissed unless the procedure set out within the Standing Order is complied with. The Senior Officer Employment Procedure addresses these requirements.
- 7.5. Where the Council proposes to take disciplinary action against a Statutory Officer, it is required to form an independent panel comprising not less than two independent persons which must meet at least 20 working days before the Full Council meets to decide whether to approve a proposal to dismiss. Before taking a vote on whether to approve such a dismissal, the Council must take into account any advice, views or recommendations of the Panel.

8. Conclusions

- 8.1. The proposed procedure, as set out in Appendix 1, provides clarity on the definitions of Chief Officers, Statutory Chief Officers, Non-Statutory Chief Officers, and Deputy Chief Officers, and covers recruitment, grievances, disciplinary action, and dismissal.
- 8.2. It is recommended that the Council adopt the proposed procedure, establish the Chief Officer Employment Panel, and delegate the power to make minor amendments to the Assistant Director for Workforce and Improvement in consultation with the Portfolio Holder for Finance and Corporate Resources.
- 8.3. The adoption of this procedure will align with the Shropshire Plan priority of having a Healthy Organisation and will provide confidence in the organisation's reputation as an employer of choice.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: All

Appendices

Appendix 1 - Senior Officer Employment Procedure