

## **Appendix B Without track changes**

### **Constitution Part 4**

## **Human Resources Management Rules**

### **Senior Managers**

1. The Council's organisational management structure comprises the Chief Executive, Strategic Directors and Assistant Director posts.
2. The Council's Management Board comprises (two) Strategic Directors and the (6) Assistant Directors. The Senior Management posts are the Chief Executive and the (two) Strategic Directors.

### **Approval of Staffing Structures**

3. The Senior Management Structure, any revisions to it, and designation of Monitoring Officer and Chief Finance Officer, shall be approved by the full Council.
4. The Chief Executive and all other officers authorised by him may agree all other staffing structure changes including approval/deletion of posts, changes in reporting arrangements and variations to terms and conditions in accordance with local and national policies and financial procedure rules.
5. Any proposed changes to the number of posts (approval of new posts, deletion of posts) shall be reported to the Management Board who shall decide whether or not the proposed changes shall be recommended for approval to the District Executive. Changes to the Senior Management Structure shall be referred for approval to full Council.
6. Any permanent changes to the grades of posts may only be made in accordance with the Council's scheme of job evaluation.

### **Appointment of Chief Executive, Senior Managers, Chief Finance Officer and Monitoring Officer**

7. Rules 7-13 apply to the appointment of the Chief Executive and the Strategic Directors; Rules 7-11 and 13 apply to the appointment of the Monitoring Officer (Assistant Director Legal & Corporate Services) and Chief Finance Officer (Assistant Director Finance & Corporate Services).
8. For all such appointments the Human Resources Manager or his/her nominee shall:
  - a) draw up a statement specifying:
    - (i) the duties of the post; and
    - (ii) any qualifications or qualities required;
  - (b) make suitable arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff); and
  - (c) make arrangements for the statement in paragraph (a) above to be sent to any person on request.

9. In all cases either all qualified applicants or a selected short-list will be interviewed as set out in the table below:

<b>Post</b>	<b>Appointing Body</b>	<b>Adviser</b>
Chief Executive	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make recommendation to full Council.	As agreed by the Appointments Committee
Strategic Directors	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee
Monitoring Officer and Chief Finance Officer (if not Senior Management Positions)	Appointments Committee shall agree 8 (a) and (b) above, shortlist and interview and make appointment	Chief Executive and as agreed by the Appointments Committee

10. The Appointments Committee when considering any appointment must include a member of the District Executive as a voting member.
11. Where no suitably qualified person has applied, the post shall be re-advertised.
12. When a Strategic Director ceases to hold that post or is likely to be absent for any length of time, the Chief Executive, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid.
13. No offer of an appointment as Chief Executive, a Strategic Director, Monitoring Officer or Chief Finance Officer may be made until:
- (a) all members of the District Executive have been notified of the name of the person to whom the offer is to be made and informed of the date and time by which any objection to the making of the offer can be made by any member of the Executive.
  - (b) in the case of the Chief Executive, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded; or
  - (c) in all other cases, no such objection has been made or the appointing body has considered any such objection and has resolved or decided that the objection is not material or not well-founded.
14. The Chairman of the Standards Committee shall be consulted before a new or existing officer is appointed or designated as Monitoring Officer.

15. In terms of appointment to other posts:

Post	Appointing Body	Adviser
Assistant Director	Chief Executive and Strategic Directors shall undertake all elements of the appointments process.	Human Resources Manager
All Other Posts	Assistant Director or appointed representative and other officers in line with policy on recruitment.	Human Resources Manager

### Disciplinary Action – Senior Managers

16. Disciplinary action or suspension during investigation of allegations of misconduct in relation to Senior Manager (as defined in para. 2 above) may only be taken as provided in the table below:

	Suspension	Investigation	Disciplinary Action/ Dismissal/Appeal
Chief Executive (Head of Paid Service)	Appointments Committee on advice of the Human Resources Manager.	Designated independent person appointed by the Appointments Committee.  Report to Appointments Committee or Council	Council
Chief Finance Officer and Monitoring Officer	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Designated independent person* appointed by the Appointments Committee.  Report to Appointments Committee	Appointments Committee  Appeal to a Committee appointed by the Council
Other Strategic Directors	Appointments Committee on advice from the Chief Executive or Chief Executive if Committee cannot be convened	Other Officer or independent person appointed by the Appointments Committee.	Appointments Committee  Appeal to a Committee appointed by the Council

**The designated independent person is defined in the Local Authorities (Standing Orders) (England) Regulations 2001 paragraph 7(2) as such a person as may be agreed by the authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.**

17. No disciplinary action, other than suspension as provided for above, may be taken in respect of the Head of Paid Service, Chief Finance Officer or Monitoring Officer other than in accordance with a recommendation in a report made by a designated

independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

18. All suspended officers shall be on full pay during the investigation of the alleged misconduct (**see appendix for guidance on what may constitute misconduct**), which must be completed no later than two months after the suspension takes effect (subject to any direction by the designated independent person in the case of the Head of Paid Service, Chief Finance Officer or Monitoring Officer).
19. The Chairman of the Standards Committee shall be consulted after any investigation of an allegation of misconduct by the Monitoring Officer; and his/her advice shall be presented to the Appointments Committee.

#### **Dismissal of a Senior Manager, Chief Finance Officer or Monitoring Officer**

20. No decision to dismiss a Senior Manager (as defined in para. 2 above), Chief Finance Officer or Monitoring Officer shall take effect until:
  - (a) the Monitoring Officer has recorded the name of the person to be dismissed and any other particulars the Appointments Committee (or other responsible body or person) considers relevant to the dismissal;
  - (b) that information has been sent by the Monitoring Officer to the Leader and all members of the District Executive with a date and time by which any objection to the dismissal can be made;
  - (c) the Monitoring Officer has confirmed that the date and time for objection has elapsed and either the Council (in the case of the Head of Paid Service) or the responsible body (in all other cases) has considered any such objection and has resolved or decided that the objection is not material or not well-founded;

Provided always that should the decision relate to the Monitoring Officer then the requirements contained in paragraphs (a) –(c) above shall be undertaken by the Chief Executive Officer

#### **Appeals by a Senior Manager, Chief Finance Officer or Monitoring Officer**

21. Any appeal must be lodged with the Monitoring Officer (or the Chief Executive where the appeal is made by the Monitoring Officer) within 10 working days of written confirmation to the officer of the disciplinary action and must include a written statement of the grounds on which the appeal is made.
22. Subject to these rules, all disciplinary procedures, including hearings and appeals, shall be conducted as far as possible in accordance with the provisions of the South Somerset Scheme of Conditions of Service.
23. Appeal hearings shall not include Members involved in the decision to take disciplinary action.

#### **Other Officers**

24. Members may not take part in the appointment of any other officers (except assistants for political groups) nor in any disciplinary or dismissal action, except as provided for above or as a member of an appeal panel.

### **Staff Appeals**

25. Unresolved employee grievances and appeals by employees of the Council against dismissal, transfer or downgrading are determined in accordance with the District Council's Disciplinary Procedures. Members, appointed by the Council and having received the appropriate training, may only be involved in an appeal against dismissal.

### **Delegations to Officers**

26. Officers at the level stated and above are empowered to take the decisions about staff set out in the table below.
27. Managers are also authorised to make other day to day operational decisions on the management of their staff in accordance with the relevant procedures and conditions of employment. A list of these authorisations is held by the Human Resources Manager and may be altered by the Chief Executive.

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Recruitment and Appointment of Staff	Agree the recruitment and appointment of all staff below Assistant Director level	Assistant Director
Assistance with Employee Relocation Costs	Application of Relocation Scheme within scheme limits.	Assistant Director
Acting Up Arrangements	Agree Acting Up arrangement and determine appropriate payment where an employee is required to undertake the duties of a higher graded post on a temporary basis.	Assistant Director (in consultation with their Strategic Director)

Issue	Decision	Minimum Level of Decision
Termination of Employment	Termination of employment on redundancy, early retirement, efficiency of service, incapacity and disciplinary grounds in accordance with Council's severance policy.	<p>Decisions on redundancies and early retirements for senior managers to be taken by the Chief Executive following consultation with the Leader of the Council.</p> <p>All other redundancies, efficiency of service and early retirements (other than on ill health grounds) to be jointly agreed by the Director and the Human Resources Manager. All details of early retirements to be circulated to all members for information.</p> <p>All other terminations of employment to be agreed by Director (or Assistant Director to whom this power has been delegated by the Strategic Director) in all cases in accordance with the Disciplinary and Capability Procedures.</p>
Use of Ex Employees as Consultants	Approval to use ex-employees as consultants on a "contract for service" basis with reference to the Financial Procedure Rules, pension restrictions and Contract Standing Orders.	Strategic Director (in consultation with Human Resources and Pensions Department, if applicable)
Changes to <b>National Joint Council</b> (NJC) Pay and Conditions	Agree the implementation of NJC pay awards and changes to conditions of service in accordance with NJC agreements.	Human Resources Manager
Advances of Salary	Agree payment of an advance of salary, in exceptional circumstances.	Strategic Director (in conjunction with Human Resources)
Dealing with salaries and pay progression outside of the normal procedures	<p>Agreement of starting salaries and subsequent pay movement for staff.</p> <p>Withholding of increments in accordance with the provisions of the staff handbook.</p>	<p>Chief Executive</p> <p>Assistant Director</p>

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Extension of Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay.  Agree extension of sick pay beyond the aggregate of full and half pay.	Strategic Director  Chief Executive
Recovery of Sick Pay	Agree recovery of sick pay where employees have been off sick due to their own misconduct.	Human Resources Manager and Assistant Director
Payment of Honoraria to National Joint Council (NJC) Staff	Approval to pay honoraria to NJC staff	Assistant Director
Standby Allowances	Approve updating of Standby allowance rates under the JNC Scheme.	Strategic Director
Annual Leave Buyout	Agree, for exceptional reasons, to buy-out an employee's annual leave to a maximum of 5 days in any one leave year.	Strategic Director (in consultation with Human Resources)
Leave for Extraneous Duties, e.g. JPs, Local Authority Members, School Governors	Grant an employee up to 18 days paid leave per year for undertaking extraneous duties.	Assistant Director
Special Leave for Trade Union Conferences	Approval for representatives nominated by a recognised Trade Union to be granted up to 5 days paid leave to attend annual/biennial conferences	Assistant Director
Special Leave for Retained Fire Fighters	Approval for retained fire fighters to be granted up to 2 weeks additional paid leave to attend recognised courses concerning their fire service duties.	Assistant Director
Special Leave for Election Duties	Grant paid leave to employees acting as Presiding Officers and Poll Clerks at Parliamentary, European Parliament, County Council, District, Police and Crime Commissioner or Parish Council elections and any National Referendum.	Chief Executive

Issue	Decision	Minimum Level of Decision
Special Leave for Service in Non-Regular Forces	Grant volunteer members of the non-regular forces up to two weeks additional leave per year to attend camp as per the Reservist Policy.	Assistant Director
Participation in the Reserve Armed Forces	Where appropriate grant approval for an employee to enter an agreement to become a reservist in the regular reserve forces or the volunteer reserves as per the Reservist Policy.	Assistant Director
Compassionate Leave beyond normal provisions	In exceptional circumstances grant paid compassionate leave beyond the normal provisions as in the staff handbook.	Chief Executive
Unpaid Leave	<p>Approval for employees to be granted up to and including 12 days unpaid leave.</p> <p>Approvals for employees to be granted between 13 days and 3 months unpaid leave.</p>	<p>Service Manger</p> <p>Strategic Director (in consultation with Human Resources Manager)</p>
Additional Paid Leave	Approval in exceptional circumstances for additional paid leave up to a maximum of ten days per year.	Chief Executive
Reimbursement for Meals and Subsistence payments	<p>Agree the payment levels for reimbursement of expenditure on meals and other subsistence expenses.</p> <p>Authorise the reimbursement of expenditure on meals and other subsistence expenses <b>(excluding alcohol)</b> in line with the agreed scheme of payments on production of receipts.</p>	<p>Chief Executive</p> <p>Service Manager</p>

<b>Issue</b>	<b>Decision</b>	<b>Minimum Level of Decision</b>
Travelling Allowances	Allocation of car user status (casual, essential) in accordance with Local Agreement on Car Allowances to posts where use of a motor vehicle is required in order to perform the duties.  Use of Council vehicles in exceptional circumstances and subject to insurance clearance.	Assistant Director (in consultation with Human Resources Manager)  Assistant Director
Payment of Travelling Expenses at work	In exceptional circumstances agree the payment of travelling expenses to and from work.	Assistant Director
Car Loans	Setting the maximum amount that can be granted for a car loan. Setting the rate of interest for car loans.  Approval of payment of car loans in accordance with Assisted Car Purchase Scheme.	Assistant Director Finance & Corporate Services  Assistant Director (in consultation with Human Resources Manager).
Secondments	Agree secondments outside of SSDC.  Agree secondments within the Council.  Agree secondments to SSDC from other employers.	Strategic Director (in consultation with Human Resources Manager).  Assistant Director  Assistant Director (in consultation with Human Resources Manager).
Changes to the delegations and authorisations to Line Managers	Agree changes to the Officer delegations. Such changes to be variations to the existing scheme in terms of the officers responsible for exercising the delegated power only. Changes to the powers delegated to officers require the approval of Council.	Chief Executive
Disciplinary Policy	Agree minor updates to Disciplinary Policy	Portfolio Holder for HR in consultation with HR Manager.