

Appendix 2 Part 6: Personnel Management Rules

Staff Terms and Conditions

1. The Council, on the recommendation of the Leader, determines changes to the pay scales of Kent Scheme Salaries. All other matters of staff terms and conditions (other than those imposed by national agreements) are delegated to the Personnel Committee.

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Senior Managers

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2. "Senior Manager" means Corporate Directors and Directors at grade KR16 or above.

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Deleted: Chief Officers, i.e. the Head of Paid Service, statutory chief officers (Director of Children's Services, Director of Adult Services, Chief Education Officer and Chief Finance Officer), non-statutory chief officers (officers who report directly to the Head of Paid Service); and Deputy Chief Officers, i.e. officers on

3. The quorum of the Personnel Committee, or any sub-committee of that Committee, when considering any appointment or disciplinary action under rules 4-14, below, must include a member of the Cabinet as a voting member.

Appointment of Senior Managers

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4. Rules 4-9 apply to the appointment of Senior Managers.

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5. For all such appointments the Corporate Director of Human Resources, or their nominee shall:

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- (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.

6. In all cases either all qualified applicants or a selected short-list will be interviewed by the Personnel Committee or Member Panel (sub-committee) acting as the Appointing Body, with the Corporate Director of Human Resources (or other Senior Manager as determined by the Committee or Panel) acting as adviser to the Appointing Body. When appointing the Head of Paid Service, which is an appointment made by the County Council, the Appointing Body will report to the Council with a recommendation.

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7. Where no suitably qualified person has applied, the post shall be re-advertised.

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8. When a Senior Manager ceases to hold that post or is likely to be absent for any length of time, the Head of Paid Service, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee. Similarly, the Head of Paid Service may, after consultation with the political group leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the Establishment and determine the rate of remuneration. These appointments shall not extend beyond six months without the approval of the Personnel Committee.

9. No offer of an appointment to a Senior Manager may be made until:

(1) the Monitoring Officer has recorded the name of the person to be offered the appointment and any other particulars the Committee (or other appointing body or person) considers relevant to the appointment

(2) that information has been sent by the Monitoring Officer to the Leader and all members of the Cabinet with a date and time by which any objection to the making of the offer can be made by the Leader

(3) the Monitoring Officer has confirmed that the date and time for objection by the Leader has elapsed and either:

(i) in the case of the Head of Paid Service, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded; or

(ii) 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.

10. The Chairman of the Standards Committee shall be consulted before a new or existing officer is appointed or designated as Monitoring Officer; and their views shall be presented to the Committee (or other appointing body or person).

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Disciplinary Action

11. Disciplinary action or suspension during investigation of allegations of misconduct in relation to the Head of Paid Service and other Senior Managers may only be taken as provided in the table below:

	Suspension	Investigation	Disciplinary Action/ Dismissal/Appeal
Head of Paid Service	Personnel Committee on advice from the <u>Corporate</u> Director of <u>Human Resources</u> and Monitoring Officer or	Designated independent person appointed by Personnel Committee Report to Personnel Committee or Council	Council

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	the <u>Corporate Director of Human Resources</u> , if Committee cannot be convened		
Chief Finance Officer and Monitoring Officer	Personnel Committee on advice from the Head of Paid Service <u>and/or Corporate Director of Human Resources</u> or Head of Paid Service <u>and/or Corporate Director of Human Resources</u> , if Committee cannot be convened	Designated independent person appointed by Personnel Committee Report to Personnel Committee	Personnel Committee Appeal to a panel of Members appointed by the Selection & Member Services Committee
Other Senior Managers (Corporate and other Directors)	Personnel Committee on advice from the Head of Paid Service <u>and/or Corporate Director of Human Resources</u> or Head of Paid Service <u>and/or Corporate Director of Human Resources</u> , if Committee cannot be convened	Other officer or independent person appointed by the Personnel Committee or Head of Paid Service <u>and/or Corporate Director of Human Resources</u> Report to Personnel Committee or Head of Paid Service <u>and/or Corporate Director of Human Resources</u>	Personnel Committee or Head of Paid Service <u>and/or Corporate Director of Human Resources</u> Appeal to a panel of Members appointed by the Selection & Member Services Committee

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12. 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.

13. All suspended officers shall be on full pay during the investigation of the alleged 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).

14. The Chairman of the Standards Committee shall be consulted after any investigation of an allegation of misconduct by the Monitoring Officer; and his advice shall be presented to the Personnel Committee.

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Dismissal of a Chief or Senior Officer

15. No decision to dismiss the Head of Paid Service or other Senior Manager shall take effect until:

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(1) the Monitoring Officer has recorded the name of the person to be dismissed and any other particulars the Personnel Committee (or other responsible body or person) considers relevant to the dismissal

(2) that information has been sent by the Monitoring Officer to the Leader and all members of the Cabinet with a date and time by which any objection to the dismissal can be made by the Leader

(3) the Monitoring Officer has confirmed that the date and time for objection by the Leader 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.

Appeals

16. Any appeal must be lodged with the Monitoring Officer (or the Head of Paid Service in the case of an appeal 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.

17. 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 Kent Scheme of Conditions of Service.

18. Appeal hearings shall not include Members involved in the decision to take disciplinary action.

Appeals against dismissal arising from redundancy, assimilation, transfer and downgrading

19. Any appeal against a decision not to 'slot' a senior manager to a post graded KR 16 or above, a redundancy, transfer or downgrading must be lodged with the Corporate Director of Human Resources, within 10 working days of written confirmation to the officer of the decision and must include a written statement of the grounds on which the appeal is made.

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20. Appeals will be heard by the Personnel Committee, or a sub committee (Panel) of that Committee. As far as is practical, such hearings will be arranged within 10 working days of an appeal being lodged. If the Appeal is heard by a Panel of members then the quorum of such meeting shall include a Cabinet Member.

Other Officers

21. 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.

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Delegations to Officers

22. Officers at the level stated and above are empowered to take the decisions about staff set out in the Kent Scheme of Conditions of Service.

Deleted: (2) . 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 Director of Personnel & Development, and may be altered by the Head of Paid Service.¶

Post	Appointing Body	Adviser
Head of Paid Service	Personnel Committee to interview and report to Council with recommendation	As determined by the Committee
Senior Manager	Personnel Committee or Member Panel (Sub-Committee)	Head of Paid Service and/or Senior Manager

The Personnel Committee may vary these arrangements, except those relating to the Head of Paid Service.

(2) 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 Director of Personnel & Development, and may be altered by the Head of Paid Service.

Topic	Decision	Minimum Level of Decision
Recruitment and Appointment	Agree the recruitment and appointment of staff graded on Kent Scale 10 and above who are not covered by either the Personnel Committee or the County Council.	Head of Service/Support Unit
Assistance with Employee Relocation Costs	Application of the internal relocation scheme. Application of the enhanced relocation management scheme. Updating of the relocation allowances.	Head of Service/Support Unit Director of Personnel & Development Director of Personnel & Development
Application of Mortgage and Rent Subsidy Schemes	Application of Mortgage Subsidy and Rent Subsidy Schemes.	Head of Service/Support Unit
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.	Head of Service/Support Unit to agree and review annually or earlier should the need arise
Extending service beyond the age of 65 years, and the	Approval to extend the service of an employee beyond the normal	Senior Manager

employment of pensioners	retirement age of 65 and the employment of pensioners, subject the guidelines set out in the Procedures and Conditions of Employment manual, the LGPS regulations and insurance provisions.	
Termination of Employment	Termination of employment on redundancy, early retirement, incapability and disciplinary grounds in accordance with KCC's Employment Stability and Early Retirement Policies, and the Incapability and Disciplinary Procedures.	<p>Decisions on redundancies and early retirements for Senior Managers to be taken by the Head of Paid Service following consultation with the political group leaders and the Chief Finance Officer</p> <p>All other redundancies and early retirements (other than ill health) to be jointly agreed by the Director of Personnel & Development and Senior Manager. Plus details of all early retirements to be published on a six monthly basis for Members</p> <p>All other terminations of employment to be agreed by Senior Manager</p>
Use of Ex-Employees as Consultants	Approval to use ex-employees as consultants on a "contract for service" basis with reference to the Code of Practice on Tendering and Contracts.	Senior Manager
Withholding of Redundancy Payment	Agreement to the withholding of a redundancy payment to an employee who unreasonably refuses suitable alternative employment.	Jointly agreed by Senior Manager and Director of Personnel & Development
Early Retirements on Efficiency, Redundancy and Voluntary Grounds	<p>Awarding of augmented service for early retirement under the LGPS Regulations 1997 in accordance with KCC's Early Retirement Policy.</p> <p>In wholly exceptional</p>	Jointly agreed by Senior Manager, Director of Personnel & Development

	<p>circumstances, varying KCC's Early Retirement Policy in respect of awarding augmented service within the LGPS regulations.</p> <p>Waiving of an actuarial reduction for voluntary early retirements agreed on compassionate grounds where the 85-year rule is not met.</p>	and the Pensions Manager, following consultation with the relevant Cabinet Member and Chief Finance Officer
Payment of Gratuities	Agree to the payment of a gratuity on the retirement of an employee who has a minimum of 5 years continuous service and who was not eligible to join the Pension Scheme for part of that service.	Senior Manager
Employer Discretions under the Local Government Pension Scheme Regulations 1997	Exercise of employer discretions under the Local Government Pension Scheme Regulations 1997 in accordance with KCC's policy statement.	Jointly agreed by Senior Manager, Director of Personnel & Development, Pensions Manager, following consultation with the relevant Cabinet Member and Chief Finance Officer
Changes to NJC Pay and Conditions	Agree the implementation of NJC pay awards and changes to conditions of service in accordance with NJC agreements.	Director of Personnel & Development
Advances of Salary	Agree payment of an advance of salary.	Senior Manager
Dealing with salaries and pay progression outside of the normal procedures	In exceptional circumstances agree to pay an employee on a spot salary or on a salary above the evaluated grade for the post.	Senior Manager
Payment of outstanding salary to a named individual in the event of death in service of an employee	Payment of the outstanding salary of an employee who has died in service to an individual where the next of kin is not immediately obvious.	Head of Service/Support Unit
Extension of Sick Pay	Agree conversion of any period of sick pay entitlement from half to full pay.	Senior Manager

	Agree extension of sick pay beyond the aggregate of full and half pay.	Director of Personnel & Development, on recommendation of Senior Manager
Recovery of Sick Pay	Agree recovery of sick pay where employees have been off sick due to their own misconduct.	Director of Personnel & Development, in conjunction with Chief Finance Officer
Payment of Merit Awards to Kent Scheme Staff	Approval to pay merit awards to Kent Scheme staff which do not total more than 10% of an employee's gross annual salary in any one financial year.	Head of Service/Support Unit
Payment of Honoraria to NJC Staff	Approval to pay honoraria to NJC staff to maximum of £500 or 10% of salary, whichever is the greater, in any one financial year.	Head of Service/Support Unit
Payment of enhanced overtime during emergency procedures	Approve enhanced overtime payments to staff on grades F to I where "emergency procedures" have been invoked.	Senior Manager
Payment of overtime outside of the normal arrangements	Exceptionally approve overtime rates which are different to those set out in the Procedures and Conditions of Employment manual.	Senior Manager
Payment of and Revisions to Plus or Excess Rates	Approve the payment of and revisions to plus rates or excess rates to staff employed on NJC conditions.	Senior Manager
Standby Allowances	Approve updating of Standby allowance rates under the NJC and Kent Schemes.	Director of Personnel & Development
Sleeping-in Duty, Special Needs (for Nursery Staff) and Laboratory Technicians Allowances, Homeworking allowances and Food Charges	Approve updating of Sleeping –in Duty Allowances, Special Needs Allowances for Nursery Staff, Laboratory Technicians Allowances and Food Charges.	Director of Personnel & Development
Annual Leave Buy-out	Agree, for exceptional reasons, to buy-out an	Head of Service/Support Unit

	employee's annual leave to a maximum of 5 days in any one leave year.	
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.	Head of Service/Support Unit
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	Head of Service/Support Unit
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.	Head of Service/Support Unit
Special Leave for Election Duties	Grant paid leave to employees acting as Presiding Officers and Poll Clerks at Parliamentary, European Parliament, County Council or County District Council elections.	Head of Service/Support Unit
Special Leave for Service in Non-Regular Forces	Grant volunteer members of the non-regular forces up to two weeks additional paid leave per year to attend camp.	Head of Service/Support Unit
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 appropriate.	Head of Service/Support Unit
Special Leave for Parliamentary Candidates	Grant special leave – 3 weeks with pay, 1 week without – to employees holding non-politically restricted posts who are adopted as candidates at a Parliamentary or European Parliament election.	Senior Manager
Paid time off to pursue personal legal action against another	Exceptionally grant paid time off to an employee to pursue personal legal action against	Senior Manager

individual or organisation	another individual or organisation.	
Compassionate Leave beyond normal provisions	In exceptional circumstances grant paid compassionate leave beyond the normal provisions of 10 days in any one leave year.	Senior Manager
Unpaid Leave	Approval for employees to be granted up to and including 10 days unpaid leave. Approvals for employees to be granted between 11 days and 6 months unpaid leave.	Head of Service/Support Unit Senior Manager
Concessionary Leave	Approval in exceptional circumstances of an additional paid concessionary day's leave.	Head of Paid Service (in consultation with Chairman of Personnel Committee)
Reimbursement for Meals	Exceptionally agree the reimbursement of reasonable and actual expenditure on a meal.	Head of Service/Support Unit
Reimbursement of Hotel Expenses	Exceptionally agree the reimbursement of reasonable and actual hotel expenses incurred.	Head of Service/Support Unit
Travelling Allowances	Allocation of car user status (casual, essential, lease) in accordance with established procedures to posts where use of a motor vehicle is required in order to perform the duties. Exceptionally grant essential car user status on criteria other than that set out in the Procedures and Conditions of Employment manual. Updating of travelling allowances and charges for county owned cars.	Head of Service/Support Unit Head of Service/Support Unit Director of Personnel & Development
Travel to and from Joint Consultative Committees by employee representatives	Approval for an employee representative to use his own car and be paid a travelling allowance when travelling to and from Joint	Head of Service/Support Unit

	Consultative Committees.	
Use of First Class Travel	In exceptional circumstances approve the use of first class travel.	Head of Service/Support Unit
Payment of Travelling Expenses at work	In exception circumstances agree the payment of travelling expenses to and from work.	Head of Service/Support Unit
Career Breaks	Agree applications for career breaks.	Head of Service/Support Unit
Car Loans	Setting the maximum amount that can be granted for a car loan. Setting the rate of interest for car loans.	Chief Finance Officer
Benchmark Lease Car	Setting the benchmark car for the lease car scheme.	Director of Personnel & Development
Secondments	Agree secondments outside of KCC. Agree secondments within KCC.	Head of Paid Service or Senior Managers Head of Service/Support Unit