



POLICY AND RESOURCES SCRUTINY COMMITTEE – 14TH JULY 2015

SUBJECT DRAFT DISCIPLINARY POLICY AND PROCEDURE

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To seek views from members, prior to its presentation to Cabinet, for amendments to the Disciplinary Policy and Procedure for employees of Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The report proposes amendments to the current Disciplinary Policy and Procedure as part of the policy review process and incorporates proposals from a pilot of a fast track process for dealing with disciplinary cases more efficiently.
- 2.2 This Policy and Procedure does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.

3. LINKS TO STRATEGY

- 3.1 The new procedure links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that rely on employees to deliver the strategy and service provision.

4. THE REPORT

- 4.1 The report proposes amendments to the Disciplinary Policy and Procedure which was last revised in 2010.
- 4.2 The report proposes a number of amendments with the key changes highlighted in the following paragraphs. A copy of the revised Policy and Procedure is attached at Appendix 1.
- 4.3 A key change to the procedure is the introduction of a verbal warning which is widely supported by both Management and Trade Union Representatives as a means of dealing with less serious cases of misconduct.
- 4.4 The current policy makes reference to attendance issues being addressed through the Disciplinary Policy and Procedure but this is now addressed via the Managing Sickness Absence Policy therefore all references to attendance have been removed from the new Disciplinary Policy and Procedure.

- 4.5 Previously the time limit to submit an appeal against a warning was 5 days with the limit extended to 10 days for an appeal against dismissal. This has, on occasions, caused confusion so it is proposed to set the time limit for all appeals under the Disciplinary policy and Procedure to 10 days.
- 4.6 A pilot has been running in the Directorate of the Environment on a fast track process to deal with less serious matters of misconduct. The purpose of the pilot was to determine whether a process to deal with cases where the facts were not contested between the parties would work for Managers, Trade Unions and employees. The feedback received from both Managers and Trade Unions has been supportive of the process and therefore it is proposed to include this facility in the Policy and Procedure for all employees in the Council. Reference to this is made in Para 25 of the Disciplinary Policy and Procedure and guidelines for Managers will be written to outline the process to be followed and where it is appropriate to use this facility.

5. EQUALITIES IMPLICATIONS

- 5.1 There are some equalities implications in this report, and in its guidance on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan, which have been identified in the EQI Screening process, which will be addressed for the individuals concerned as and when the circumstances arise. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications resulting from the introduction of the revised Disciplinary Policy and Procedure other than time required to brief Managers.

7. PERSONNEL IMPLICATIONS

- 7.1 There are personnel implications for the training of Officers in the revised Policy and Procedure but this will be offset by a reduction in the time spent on dealing with disciplinary cases with the introduction of a fast track process.

8. CONSULTATIONS

- 8.1 All consultation responses are included in the report.

9. RECOMMENDATIONS

- 9.1 Scrutiny members are asked to consider the contents of the report and make a recommendation to Cabinet to adopt the procedure.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The new procedure:
- Introduces a verbal warning which allows Managers to deal with less serious acts of misconduct.
 - Allows Managers (provided agreement is reached with HR, TU representatives and the Employee) to deal with cases more efficiently where the misconduct is less serious and there is no contention over the facts.
 - Updates the current Disciplinary Policy and Procedure which still makes reference to attendance issues being dealt with as a disciplinary issue.

11. STATUTORY POWER

11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

Author: Richard Ballantine - HR Manager, Ext 6749, ballar@caerphilly.gov.uk
Consultees: Lynne Donovan – Acting Head of HR and Organisation Development
Nicole Scammell - Acting Director of Corporate Services
Chris Burns - Chief Executive
David Street - Director of Social Services
Members of HR Strategy Group
Council's recognised Trade Unions
Angharad Price - Barrister and Acting Deputy Monitoring Officer
David A Thomas – Senior Policy Officer (Welsh Language and Equalities)

Appendices:
Appendix 1 Draft Disciplinary Policy and Procedure July 2015
Appendix 2 Caerphilly County Borough Council Disciplinary Procedure 2010