

REVISED DISCIPLINARY POLICY AND PROCEDURE
WDA/33/12

Recommendation

That:

1. Members approve the revised Disciplinary Policy and Procedure; and
2. Members approve the Terms of Reference and delegations for the Investigating and Disciplinary Committee and the appointment of its Members; and
3. Members agree to delegate to the Monitoring Officer in consultation with the Chairperson the powers of the Authority to amend the outstanding policies as detailed in the report at paragraph 3.7.

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Report of the Monitoring Officer

1. Purpose of the Report

- 1.1 To seek Members' approval to the revised Disciplinary Policy and Procedure which stipulates how it would be applied to all staff of the Authority to ensure the principles of fairness and consistency are applied.
- 1.2 To seek Members' approval to the appointment of an Investigating and Disciplinary Committee and have delegated to it all the powers of the Authority to hear and adjudicate upon matters relating to disciplinary with regard to the Chief Executive.

2. Background

- 2.1 The Authority's current employment policy and procedures apply to all employees of the Authority except for the Chief Executive.
- 2.2 At the meeting of 29th June 2012, Members considered a report from North West Employers Organisation on potential options in providing the Chief Executive with the same employment protection afforded to all other employees of the Authority.
- 2.3 It was agreed that policies and procedures should be revised to include the Chief Executive of the Authority to ensure the principles of fairness are consistently applied and appropriate protocols reflect roles and positions within the organisation structure.
- 2.4 A Revised Disciplinary Policy and Procedure is attached for Members consideration which follows the principles of the ACAS guidelines relating to Disciplinary. It contains the principle elements of the guidance and also deals with the particular circumstances relating to the post of Chief Executive.
- 2.5 Advice has been sought from North West Employers Organisation (NWEO) to ensure that the revised policy provide clarity on how the Authority manages any conduct issues relating to the Chief Executive.

- 2.6 NWEO have suggested some amendments and additions to the Policy and Procedure which are currently being reviewed.
- 2.7 Any changes made to the Revised Disciplinary Policy and Procedure will be tabled at the meeting.

3. Current Policy

- 3.1 The conditions of service of employees of the Authority contain provisions relating to discipline, grievance, capability and redundancy and refer to current policies and procedures which would apply to all employees of the Authority below the level of Chief Executive.
- 3.2 Closer examination of the provisions in relation to the Chief Executive has demonstrated that there are anomalies between the current policies and procedures in their application to the Chief Executive.
- 3.3 Members agreed to the review of the Employment Policy and Procedures to remove this anomaly.
- 3.4 Attached at Appendix 1 is the revised Disciplinary Procedure.
- 3.5 The revised Disciplinary Policy and Procedure would continue to be applicable to all employees of the Authority.
- 3.6 The process for any potential disciplinary action in respect of the Chief Executive is detailed within the attached annex of the policy. The annex contains the principle elements of the Authority's own disciplinary policy, but also deals with the particular circumstances of the post of Chief Executive and the unique relationship that this places the post holder in with the Authority.
- 3.7 In addition to the Disciplinary Policy and Procedure it was agreed by Members to revise and amend the Capability Procedure, Grievance and Disputes Procedure and Sickness Absence Policy and Procedure to ensure that they can be fairly applied to the Chief Executive.
- 3.8 It is proposed, that if Members agree, the process as detailed within the annex of the revised Disciplinary Policy and Procedure, and which relates specifically to the Chief Executive, could be used as the process to be adopted within the policy and procedures highlighted above.
- 3.9 The amendments to the above policies and procedures will reflect the process to be adopted within the revised documents, and which specifically relate the Chief Executive.

4. Investigating and Disciplinary Committee

- 4.1 If Members agree to the revised Disciplinary Policy and delegation to amend the other Policy and Procedures, agreement is required to the appointment of an Investigating and Disciplinary Committee.
- 4.2 Terms of Reference of the Investigating and Disciplinary Committee would be as follows:

To hear and adjudicate upon:-

1. matter relating to disciplinary ,grievance, capability and sickness absence matters in relation to the Chief Executive

Delegation:

To have delegated to it all the powers of the Authority to hear and adjudicate upon matters relating to the investigation of disciplinary, grievance, capability and sickness absence, and to determine the action (if any) or range of actions, as appropriate, in relation to the Chief Executive.

Appointments: 3 Members representative of three separate Districts

Quorum: 2 Members

5. Risk Implications

- 5.1 At present the existing HR employment policies and procedures do not explicitly address how to deal with the Chief Executive in relation to disciplinary issues and as such there is a risk that the Authority could be challenged in the management of the Chief Executive.
- 5.2 Revision of the Authority's employment policies will ensure that they can be fairly applied to the Chief Executive, Directors and other staff groups in accordance with ACAS guidelines and the JNC (Chief Officers) conditions whilst both satisfy the Chief Executives concerns and give the Authority the flexibility to develop policies to suit its needs.

6. HR Implications

- 6.1 The revision of the Authority's employment policies would impact upon the Chief Executive and require the Authority to ensure that it has the appropriate procedures and personnel in place to manage any revised policies.

- 6.2 Approval of the revised policy and procedure would require the establishment of an Investigating and Disciplinary Committee. Members appointed to the committee should be provided with appropriate training, if required, in the undertaking of actions associated within the procedure.

7. Environmental Implications

- 7.1 There are no environmental implications associated with this report.

8. Financial Implications

- 8.1 The adoption of the revised Disciplinary Policy and Procedure may require the training of members to sit on the panels required in its application this training would be incorporated into the existing Members training programme.
- 8.2 The costs associated with appointment of an independent person if necessary as part of any process ultimately adopted by the Authority would be met from reserves and not require a revenue budget.

9. Conclusion

- 9.1 The Authority's current Disciplinary Policy and Procedure applies to all employees of the Authority below Chief Executive Level.
- 9.2 It was agreed that the Policy be revised to include the Chief Executive of the Authority to ensure the principles of fairness are consistently applied and appropriate protocols reflect roles and positions within the organisation structure.
- 9.3 Members are asked to approve the revised Disciplinary Policy and Procedure attached at Appendix 1 and subject to any subsequent changes which may be tabled on the day.
- 9.4 If Members are minded to approve the revised Disciplinary Policy and delegation to amend the other Policy and Procedures, agreement is required to the appointment of an Investigating and Disciplinary Committee.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.