

REPORT TO THE PERSONNEL, LICENSING & ADMINISTRATION COMMITTEE		Report No. 12
Date of Meeting	3 rd June 2008	
Title of Report	Review of the Disciplinary and Associated Procedure	
Link to Corporate Priorities	Equality & Diversity underpins all corporate policies.	
Public Report	Yes	

<p>Summary of Report</p> <p>To inform the Personnel, Licensing and Administration Committee that a review of the Council's Disciplinary Procedure has been undertaken. Following the recent changes at senior management level, principally the departure of one Deputy Chief Executive and the focus of the other being more on the new Wiltshire Council, it has been necessary to review the levels at which disciplinary decisions can be made.</p>
<p>Officer Recommendations</p> <p>It is recommended that the Committee approve the revised Disciplinary Procedure and associated procedures.</p>

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
Yes	Yes	No	Yes	Yes

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1. Introduction

- 1.1 The purpose of this report is to inform the Personnel, Licensing and Administration Committee that a review of the Disciplinary Procedure has been carried out and that changes to the procedure have been made.

2. Options and Options Appraisal

- 2.1 Option 1 – to note and approve the revised Disciplinary Procedure, thus enabling the Council to have a disciplinary process that complies with current legislation.
- 2.2 Option 2 – to recommend that further change(s) is/are made to the Disciplinary Procedure before it is approved.

3. Background and current position

- 3.1 Following changes at senior management level it has been necessary to carry out a review of the Disciplinary Procedure, to ensure that the appropriate manager at the appropriate level within the organisation makes disciplinary decisions.
- 3.2 It is proposed that the responsibility for dismissal be given to Heads of Service or Team Managers, except where the person under threat of dismissal is a Head of Service or Team Manager. The right of appeal against dismissal will remain to a Member's Appeal Panel and a Disciplinary Panel of 3 will still conduct the original hearing.
- 3.3 If the matter is one of gross misconduct that may lead to dismissal, Human Resources will ensure that a Head of Service or Team Manager chairs the Disciplinary Panel and that they fully understand their role.
- 3.4 For ease of reference the changes in the Disciplinary Procedure and related documents at Appendix A have been highlighted in yellow.

4. Consultation

- 4.1 The changes have been brought to Local Joint Consultative Committee for consultation as they are considered to be more than minor.

5. Financial Implications

- 5.1 If an employee takes the matter to an Employment Tribunal failure to have a procedure in place could lead to financial penalty.

6. Legal Implications

- 6.1 The proposed procedure meets the Council's obligations under the Dispute Resolution Regulations and current employment legislation.

7. Equality & Diversity Implications

- 7.1 In accordance with the Council's commitment to equality and diversity all policies, processes and procedures will be subject to an Equality Impact Assessment and these will be amended alongside changes being made.

8. Human Resource Implications

- 8.1 The HR implications are covered within the body of this report.

9. Risk Analysis

- 9.1 If the changes are not approved, and an employee was to appeal against a decision, the decision could fail on procedural grounds. In addition, were an employee who was dismissed to take it to an Employment Tribunal the Council may also fail on procedural grounds.

Appendices:	1 Disciplinary Procedure 2 Summary Disciplinary Code 3 Disciplinary Process Flowchart and Notes 4 Guidance Notes for Undertaking Disciplinary Investigations
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
None		