

# EAST AYRSHIRE COUNCIL

CABINET – 5 SEPTEMBER 2007

## LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS REVISED DISCIPLINARY POLICY AND PROCEDURES

### Report by Depute Chief Executive/Executive Director of Corporate Support

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to ask Cabinet to approve proposed changes to the Council's Disciplinary Policy and Procedures, subject to consultation with Trade Unions.

#### 2. BACKGROUND

- 2.1 The Council's Disciplinary Policy and Procedures were last updated by the Personnel and Property Sub-Committee at its meeting on 25 January 2000 which approved changes in the light of operational experience in respect of the Disciplinary Hearing Stage and the Discipline Procedure to Chief Officials.
- 2.2 A further review of the Disciplinary Policy and Procedures has been necessary to ensure that the Council continues to take account of new legislation and reflect best personnel practice.
- 2.3 The Disciplinary Policy and Procedures are applicable to Local Government Employees, Craft Operatives, the Chief Executive and Chief Officers. **They do not apply to Teaching Staff who have their own Disciplinary Procedures.**
- 2.4 Copies of the revised Disciplinary Policy and Procedures are available in the Members' Information Point. The main changes proposed are summarised below:

#### 3. PROPOSED CHANGES

- 3.1 The documentation has been updated to reflect:
- the definition of responsibilities to be undertaken by all parties within the disciplinary process;
  - guidance on taking informal action including the issuing of a letter of concern as an alternative to formal disciplinary action against employees in appropriate circumstances;
  - guidance on the interviewing and recording of witness statements;
  - guidance on allegations of criminal offences;

- guidance on the additional external conditions that have been placed on the disciplinary process with regard to Statutory Registration Bodies;
- further guidance on the complaint and investigation process;
- further guidance on conducting a disciplinary hearing;
- further guidance on reaching a decision on capability;
- further guidance on the alcohol, substance abuse and gambling recovery programme;
- the provision of a template for investigatory reports and the standardisation of the investigatory process;
- updating the list of examples of the types of offences which constitute Gross Misconduct (i.e. deliberate access of internet sites containing pornographic, offensive or obscene material; serious breach of confidence; serious breach of the Council's Managing Absence Policy; bringing the Council into serious disrepute or serious misuse of the Council's name; breach of the Council's Acceptable Use Policy governing the personal use of communications systems);
- updating the list of examples of the types of offences which constitute Unsatisfactory Conduct (i.e. breach of the Council's Acceptable Use Policy governing the personal use of communications systems);
- updating the disciplinary procedure for the Chief Executive and Chief Officers;
- updating the Appeals Procedure which is used in all disciplinary appeals whether the appeal is being considered by Departmental; Management or by the Appeals Sub – Committee of the Corporate Governance Committee to reflect current practice.
- the provision of an employee leaflet on discipline outlining the essential points of Policy which will be issued to current employees and which will be included in the documentation given to all new employees as part of job induction.
- the provision of a managers guide on discipline outlining in addition to the essential points of Policy which will be issued to current managers and which will be included in the documentation given to all new managers as part of job induction.

**3.2** The standard letters, forms and other documentation used in the disciplinary process will all be updated to reflect the proposed changes.

**3.3** The revised Policy and Procedures will continue to assist the Council to achieve a corporate and consistent approach in the critical area of discipline thereby assisting the Council to operate effectively and deliver quality services.

#### **4. TRAINING**

**4.1** The Corporate Training Course on Discipline will be updated to reflect the revised Policy and Procedures once formal approval has been received.

**4.2** All employees involved in the discipline of employees will be made aware of the changes as well as have a general refresher on the essential points of Policy by the delivery of workplace Toolbox Talks which will ensure maximum impact with minimum disruption to departments' service delivery.

#### **5. COMMUNICATIONS**

**5.1** Employees will be made aware of the amendments to the above Policy and Procedures via the new employee leaflet on discipline, managers guide, the Council's intranet site, Eastwords and the issue of a relevant PER Circular.

#### **6. FINANCIAL IMPLICATIONS**

**6.1** Any additional costs arising from the proposed changes to the Disciplinary Policy and Procedures will be contained within existing budgets.

#### **7. POLICY/LEGAL IMPLICATIONS**

**7.1** The proposed changes will ensure that the Council meets its legislative requirements as an employer and continues to follow best practice guidelines. The proposals meet the delivery of continuous improvement and best value guiding principles of the Community Plan.

#### **8. TRADE UNIONS**

**8.1** The proposed changes are subject to Trade Union consultation.

#### **9. RECOMMENDATIONS**

**9.1** The Cabinet is asked to approve the changes to the Council's Disciplinary Policy and Procedures, subject to consultation with Trade Unions.

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Corporate Support**  
**27 July 2007**

### **LIST OF BACKGROUND PAPERS**

1. Report on Code of Discipline, Discipline and Appeals Procedures by the Director of Corporate Resources to Personnel and Property Sub –Committee of the Policy and Resources Committee of 25 January 2000.

Any person wishing further information should contact Martin Rose, Head of Personnel (Telephone 01563 576092).