

Report sponsor: Simon Riley, Strategic Director
of Corporate Resources
Report author: Anjula Nath, HR Advisor

Changes to Disciplinary and Dismissals Policy

Purpose

- 1.1 The HR service have reviewed and updated the Council's Disciplinary and Dismissals Policy. The review has been prioritised in line with changes in legislation and/or case law, best practice approaches and the length of time since the policy was reviewed. The review is also reflected in the Council's corporate policy register.
- 1.2 This report sets out both the main changes, and the reasons for the changes, to the Disciplinary and Dismissals Policy. The policy is attached in Appendix 1 and has been discussed and agreed with the Trade Unions at the Policy Working Group.

Recommendations

- 2.1 To note the proposed main changes to the revised Disciplinary and Dismissals Policy, as set out in the Supporting Information section.
- 2.2 To approve the revised policy and note that subject to approval, the revised policy and guidance will be published on the Council's intranet site and a communications roll out of the changes will be shared with colleagues.

Reasons

- 3.1 The removal of the word "Dismissal" from the title removes any unconscious bias and demonstrates it's a fair process. Dismissal remains to be a possible outcome of the policy along with other outcomes but does not need to be referenced in the title.
- 3.2 The revised Policy enables the Commissioning Manager to retain accountability of the Disciplinary process; by arranging and attending the Disciplinary hearings to present the management statement of case.
- 3.3 Adding action short of dismissal as a potential sanction and the revised Disciplinary rules makes the Disciplinary Policy fit for purpose and aligns with ACAS Code of Practice.

Supporting information

- 4.1 The main purpose of the Disciplinary Policy is to set expectations and to encourage improvement in a colleague's conduct where they fail to meet the standards required. Dealing with conduct matters is a critical part of the policy and the policy sets out how any conduct matters will be managed.
- 4.2 A summary of the proposed changes to the policy;
- the removal of the words "and Dismissals" from the Policy title
 - a change to the role of the Commissioning Manager for the purposes of accountability
 - addition of action short of dismissal as a sanction
 - a change to the disciplinary rules section which provides a non-exhaustive list of what could be considered as misconduct, gross misconduct, SOSR (some other substantial reason) or statutory restriction.
- 4.3 The policy wording has changed to make it more user friendly, such as replacing "employee" with "you". This is consistent with other policies under review and is the future approach in policy writing.
- 4.4 Informal action remains the emphasis of the policy and it encourages managers to deal with potential conduct issues as and when they arise. This has the effect of reducing the potential for cases to escalate to the point where formal action becomes necessary.
- 4.5 The policy also encourages line managers to be more involved and accountable for the process. This approach to the management of conduct also serves to improve employee relations and encourages managers to take a more pragmatic approach to the management of colleague behaviour in their teams.
- 4.6 In the revised Policy, action short of dismissal has been added as a possible outcome of a Disciplinary Hearing. This would be in exceptional circumstances and would be considered in situations where, were it not for mitigating circumstances, the employee may have been dismissed as a result of their misconduct. This may include a transfer to alternative employment or a reduction in seniority or level of responsibility. If a colleague does not agree to this, then they may be dismissed. Including this option is in line with ACAS code of practice.
- 4.7 Within the current Policy the Disciplinary Rules are defined in seven categories with descriptions for each. This has been revised to non-exhaustive lists which enables the Council to remain modern, flexible and resilient by ensuring that the Disciplinary policy, procedure and process is fit for purpose. This is in line with ACAS code of practice and is considered as a best practice.
- 4.8 The HR Team are in the process of updating the guidance to reflect these changes and to align it with the iDerby intranet principles which were implemented following Voice of the Customer feedback. This includes clarity and simplicity in content and easier navigation and layout.

Public/stakeholder engagement

- 5.1 The revised draft policy was shared with seven managers across the three Directorates. They have had a role as either a Commissioning Manager or Investigating Officer in the current Disciplinary process. The majority stated that the policy reads well, and it is clear and easy to follow. Trade Union colleagues have also been consulted on the proposed policy changes.

Other options

- 6.1 Do nothing and retain the current policy and guidance. This is not considered to be an appropriate approach, as it fails to emphasise the benefits of the changes, and it would maintain outdated practices.

Financial and value for money issues

- 7.1 There are efficiency savings in terms of reducing process timescales.

Legal implications

- 8.1 Employers are required by law to provide a written policy for the management of any conduct issues in the workplace.

Climate implications

- 9.1 None identified

Other significant implications

- 10.1 All policies are underpinned by an EIA and the EIA for the Disciplinary Policy (appendix 2) has been reviewed by the Equality and Diversity Lead.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Charlotte Hutton	30.08.22
Finance	Not Applicable	
Service Director(s)		
Report sponsor	Simon Riley	26.08.22
Other(s)	Liz Moore	

Background papers:	None
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List of appendices:

Draft Disciplinary Policy – Appendix 1
EIA – Appendix 2