

COMMITTEE: HUMAN RESOURCES Ref No: HR/08/36
DATE: 3 DECEMBER 2008
SUBJECT: DISCIPLINARY POLICY & PROCEDURES
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DIRECTOR: JONATHAN OWEN

Short description of report content and the decision requested:

HR Committee approved the Council's current Disciplinary Procedure on 5 April 2005. This stated that the procedure was to be reviewed in 2008.

This report sets out a revised Disciplinary Policy and Procedure, which aims to ensure that a fair, effective and easy to follow process is available across the organisation in order to deal with standards of performance and behaviour when they fall below acceptable levels.

The revised policy aims to educate and encourage employees to maintain and/or improve their conduct and performance and where this can not be achieved the policy offers Managers clear guidelines to a speedy resolution, and helps to maintain positive employee relations at all levels.

The revised policy takes account of the ACAS code of best practice on the handling of disciplinary issues.

This report has been prepared by Victoria Finch, HR Advisor in consultation with John Waters, HR Operations Manager, Tel: 01473 433417 - Email:victoria.finch@ipswich.gov.uk

This report was prepared after consultation with:

Director Team

David Field, Head of Corporate Development

Claire Barritt, Head of Legal and Democratic Services

Councillor Carnall, Portfolio Holder

Recognised trade Unions

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Transforming Ipswich

This report is is/not a key decision included in the Forward Plan

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information –

1.

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

1. The Disciplinary Policy and Procedure 2005
2. The ACAS Disciplinary and Grievance Procedures Code of Practice

1. Introduction

- 1.1 The IBC revised Disciplinary Policy and Procedure aims to deliver a consistent, sensitive and easy to manage process for dealing with disciplinary issues across the Council. It sets out a practical and logical process for managers to follow when confronted with disciplinary issues
- 1.2 The purpose of the Disciplinary Policy and Procedures is to educate and encourage employees to maintain and/or improve their conduct and performance; they are not intended to be used as a form of punishment.
- 1.3 Whilst representing the specific needs of Ipswich Borough Council, the revised policy and procedures have been based on the ACAS code of best practice for dealing with disciplinary issues.

2. Background

- 2.1 HR Committee formally approved the existing Disciplinary Policy and Procedures on 5 April 2005.
- 2.2 Although the policy is legally compliant, problems have been experienced when applying the procedure in that it is complex and not straightforward to apply or understand.
- 2.3 Therefore, it was clear that the policy needed to be reviewed and updated, so that managers are able to deal with issues fairly and effectively in a time efficient manner. As a consequence this should reduce levels of anxiety and pressure, both for the manager and the employee, by unnecessarily long and drawn out processes.

3. Policy Context

- 3.1 Under the three statutory equality duties for Race, Disability and Gender the Council has legal duties to take positive action to promote equality and diversity in all of its functions. This is extended to all of its employment policies and procedures and includes all of the Council's mechanisms for dealing with misconduct and wilful poor performance issues when they arise. The Disciplinary Policy and Procedures will enable managers to adopt a straightforward and consistent approach when dealing with issues. This will not only provide the opportunity for equal treatment of employees but also protect the Council from potential Employment Tribunal claims.
- 3.2 The Disciplinary policy is mandatory training for managers and is included in the Council's capable managers programme.

4. Performance Monitoring

4.1 Not appropriate to this report.

5. Risk Management

Risk	Impact of risk, if it occurred* (Scale of 1-4) 1 – Catastrophic 4 - Negligible	Probability of risk occurring* (Scale A-F) A- Very likely F - almost impossible	What is the council doing (or what has it done) to avoid the risk or reduce its effect?
Employment Tribunal Claim from employee	2	C	Ensure that our procedure is compliant with the ACAS code of best practice and that managers follow the Policy.
Anxiety caused by long, drawn out processes	2	C	Provide and efficient and effective Disciplinary Policy
Employees are not treated equally.	2	C	Provide an efficient and effective Disciplinary Policy which meets Equality Duties requirements

*taking account of the proposed mitigation measures.

6. Environmental Impact Assessment

6.1 There is no environmental impact on implementing this policy.

7. Equalities and Diversity Implications

7.1 Equality Impact Assessments are part of the legal duties set out in the Race Relations Amendment Act and are also included under the new Disability Equality Duty and Gender Equality Duty. An impact Assessment is a proactive step to ensure wherever possible preventative measures are taken to avoid discrimination or unfairness on any grounds before it occurs.

7.2 Apart from the threat of Employment Tribunal claims, the implication of not having robust Disciplinary Policy and Procedures is that the conduct and performance of employees may fall below acceptable levels, which in turn may result in equality and diversity issues. By having the revised Disciplinary Policy and Procedures in place the Council will be able to easily identify and deal with any equality and diversity issues.

8. Financial Considerations

8.1 There are no direct financial implications.

9. Consultation

9.1 A consultation response has been received from Unison and this is appended to the report. Further consultation with Unison is taking place about their comments and any update will be reported at the meeting.

9.2 The other recognised trades unions did not respond.

10. Conclusions

10.1 Inevitably there will always be conduct and performance issues at work especially when organisations are facing financial challenges and restructuring etc. Such issues can be extremely damaging to the organisation if there are no effective means to seek resolutions and improvement.

10.2 The revised policy will assist managers and the organisation to resolve employment issues and ensure positive employee relations are maintained.

11. Recommendations:-

11.1 That the revised policy and procedures be adopted with immediate effect.