

## **BARNSELEY METROPOLITAN BOROUGH COUNCIL**

**This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan**

### **REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES**

#### **REVISION TO THE DISCIPLINARY PROCEDURE**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval to implement revisions to the existing Disciplinary Procedure.

#### **2. RECOMMENDATIONS**

- 2.1 **It is recommended that Cabinet approve the revised Disciplinary Procedure.**

#### **3. INTRODUCTION**

- 3.1 When an employer disciplines or dismisses an employee, they are legally required to follow established disciplinary and dismissal procedures which are fair and consistent.
- 3.2 The Council currently has in place a Disciplinary Procedure but it is intermittently updated as a result of factors such as guidance from ACAS, lessons learned during the disciplinary process and case law in respect of decisions made at Employment Tribunals.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 It is proposed to implement the revised Disciplinary Procedure with immediate effect.
- 4.2 The main revisions to the procedure are:-
- The procedure now provides a Link to investigation guidance (which is provided to investigating officers/managers and covers all types of investigations).
  - The role of investigator and manager has been clarified.
  - For the panel conducting the disciplinary meeting – the need for a senior manager to be a Head of Service/Service Director or Executive Director has been replaced with “Appropriate Manager”. The only exception to this is where dismissal is a potential outcome or the allegations are of a complex nature.

- 4.3 Agreement to this report will assist and support managers, employees and trade unions to deal with disciplinary matters in a lawful, fair, consistent and timely manner, therefore minimising any negative impact on the Council and potential employment tribunal claims.

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The alternative to the implementation of this revised procedure is to continue with the current Disciplinary procedure, which could prevent disciplinary issues being dealt with in a fair and timely manner.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The implementation of this revised procedure provides the framework to ensure that the Council deals with disciplinary matters, therefore assisting the Council to function efficiently and effectively.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from this report.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 By implementing the revised procedure employees will be dealt in a lawful, fair, consistent and timely manner.

## **9. LEGAL IMPLICATIONS**

- 9.1 There are no direct legal implications arising from this report.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

- 10.1 There are no direct implications arising from this report.

## **11. COMMUNICATIONS IMPLICATIONS**

- 11.1 The procedure will be displayed on the HR Intranet and the changes will be detailed in an article in Straight Talk.
- 11.2 For employees who do not have access to e-mail / intranet facilities, managers will be responsible for communicating this information to their teams.
- 11.3 Human Resources Business Partners and Advisors will be available to provide advice to employees / managers / head teachers / members.
- 11.4 The existing POD course will be updated and a bitesize training / briefing session developed to ensure managers / head teachers are aware of the policy and to ensure it is implemented fairly and consistently.

## **12. CONSULTATIONS**

- 12.1 The trade unions have been consulted and are in agreement to the proposed changes.
- 12.2 HR and Legal colleagues have also been consulted and had their input into the proposed changes.

## **13. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

- 13.1 No direct implications arising from this report.

## **14. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

- 14.1 The implications for employees as a result of this revised procedure have been considered and all employees will be equally affected by the implementation of this policy.

## **15. RISK MANAGEMENT ISSUES**

- 15.1 The risk of employment claims being made against the Council through the Employment Tribunal system will be minimised by the introduction of this revised procedure.

## **16. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

- 16.1 Risks to the Council are minimised as employees and managers have a procedure they can refer to and follow to ensure disciplinary issues are dealt with appropriately.

## **17. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

- 17.1 This procedure is compatible with the European Convention on Human Rights.

## **18. LIST OF APPENDICES**

Appendix 1 –Disciplinary Procedure

**Report author:** Alison Brown, Service Director – Human Resources