



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**TUESDAY, 27 JUNE 2023**

**Report of the Executive Director - Corporate Services and  
Transformation**

**Disciplinary Procedure**

**1. Purpose**

1.1 The Disciplinary Procedure and associated Manager Guidance is scheduled for review and this report is submitted to ACOS to consider updates and amendments to this procedure.

**2. Information and Analysis**

2.1 The Council's employment procedures are reviewed and updated on an ongoing basis to ensure they remain relevant and up to date to ensure the Council meets its commitments outlined in the Council Plan. Work has been undertaken to review and revise the Disciplinary Procedure for employees and the associated Manager Guidance.

2.2 The last major review of the Disciplinary Procedure was in February 2017. Minor updates were undertaken in November 2017 to reflect changes to the appeals process, in August 2018 to reflect the General Data Protection Regulation, in July 2019 to reflect further changes to the appeals process, and in July 2020 to reflect changes to terminology aligned to the current HR model.

2.3 The updated procedure is aligned to reflect the Council's values and People Strategy.

24 Benchmarking has been carried out against other similar organisations with the aim of achieving best practice.

25 The amendments to the Procedure for consideration are detailed below:

- Technical changes / terminology to ensure links and dependencies and any references to current procedures are accurate and up to date.
- Additional guidance concerning the recording of meetings following advice from Audit Services
- Strengthening the guidance on the need for neutrality of the Investigating Officer to ensure a fair procedure is followed.
- Strengthening the information regarding an employee's right to be accompanied at all relevant meetings to ensure employees are fully aware of this option.
- Reference has been included to ensure awareness of the requirement in some instances for the organisation to make a notification to relevant professional bodies where this is a requirement of the role. Although the requirement is not new it is not currently referenced within the procedure.
- Additional advice has been provided on making reasonable adjustments for employees subject to disciplinary procedures to ensure we are doing everything possible to facilitate their attendance at meetings and enable individuals to fully participate in the process.
- Additional information incorporated regarding 'alternatives to suspension' to ensure these are reasonable and take account of employee wellbeing.
- An additional section has been included regarding 'adjustments to proceedings' to clarify this may need to be considered in order to accommodate reasonable adjustments for employees and to promote good practice.
- A reminder to employees that support can be obtained throughout the process from their relevant trade union has been included.
- The advice on the implications of receiving a disciplinary sanction whilst a current sanction is still in place has been reworded to provide clarity.
- Clarification has been provided that where an employee wishes to suggest an alternative date for a hearing, due to the unavailability of their preferred representative, consideration will be given to extending the time limit as long as the revised date remains within a reasonable timeframe.
- Grounds of appeal have been incorporated into the procedure
- Minor rewording to the list of examples of misconduct
- It is also intended that the disciplinary procedure and the related manager guidance be incorporated in to one document in order to promote transparency as it has been suggested by the trade unions that currently employees may have difficulty accessing the guidance. Work is currently underway to facilitate this.

### **3. Consultation**

3.1 Prior to any amendments being undertaken, the current document was shared with both Legal and Audit Services to obtain advice on any necessary revisions.

3.2 Consultation with recognised trade unions has been undertaken initially through the CJC HR Operations Workstream and latterly through the Policy Forum. Initial suggestions were discussed and wording strengthened on the areas where the trade unions expressed concerns.

3.3 Final trade union comments were submitted and discussed at the Policy Forum on 16 May 2023. Where appropriate these have been incorporated into the Disciplinary Procedure and the final document shared with the trade unions.

3.4 This document has been developed in consultation with the trade unions however they have not yet confirmed final agreement.

### **4. Alternative Options Considered**

4.1 An alternative option could be not to update the disciplinary procedure however, it is accepted good practice to regularly review current employment procedures to ensure they remain relevant and up to date with current legal advice. By not reviewing the disciplinary procedure it could become out of date or fail to meet good practice.

4.2 The option of not having a disciplinary procedure in place has not been considered as this is a legal requirement that organisations must comply with.

### **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

6.1 None

### **7. Appendices**

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Disciplinary Procedure and Manager Guidance

7.3 Appendix 3 – Equality Impact Statement

### **8. Recommendation(s)**

That Committee:

a) Approve the revised document 'Disciplinary Procedure' and the associated manager guidance for implementation.

**9. Reasons for Recommendation(s)**

9.1 To ensure the Council's employment procedures remain relevant and in line with the latest guidance and best practice.

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**Implications**

**Financial**

1.1 No financial implications.

**Legal**

2.1 No legal implications.

**Human Resources**

3.1 A communication exercise will be required to ensure employees and managers are aware of the revised procedure.

**Information Technology**

4.1 No implications

**Equalities Impact**

5.1 An Equalities Impact Assessment has been completed and submitted to the Equalities, Diversity and Inclusion Manager for consideration and comment.

**Corporate objectives and priorities for change**

6.1 None

**Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None