

**CITY AND COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**

**Employment Conditions Committee: 15 January 2007**

**Report of the Chief Executive**

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**Revised Decision Making Arrangements – Impact on Disciplinary Policy and Procedures**

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**Background**

1. This report outlines a proposal to amend the current decision making levels with the Council's existing Disciplinary Policy.
2. As part of the revisions made to the Council's Constitution in July 2006, decision making arrangements have been reviewed and revised by a working group chaired by the Chief Legal and Democratic Services Officer. Briefing sessions on these revised arrangements have been facilitated for Elected Members, Senior Managers and Trade Unions.
3. Within the overall legal framework available in the Council, the revised arrangements are designed to clarify accountability and streamline the process thus enabling decisions to be made more quickly and efficiently and maintaining the required audit trails as necessary.
4. In addition to key decision making forums such as this Committee, the Executive, the Health and Safety Advisory Forum etc, delegations are in place to allow officers at varying levels across the Council support this process. These delegations have also been the subject of review so that officers understand the scope of their delegated powers and also any limitations.
5. For Human Resources, this has resulted in a rationalisation of many of the former delegations relating to employment issues. Within the overall framework, increased autonomy and responsibility for determining employment issues have now been delegated along with the relevant accountability to Service Areas.

**Issues**

6. A consultation process is already underway on revised Disciplinary and Grievance policies and procedures. Whilst the revised policies will be considered here in April, there is an element of the current Disciplinary procedure that needs to be amended as a matter of urgency to align it to the revised delegations. This concerns the current arrangements for those chairing Disciplinary Hearings. The existing arrangements are outlined in Appendix A attached.
7. As part of the consultation, feedback from Trade Unions and managers suggest that the current Disciplinary decision making framework should be amended to empower the manager hearing a disciplinary case to make and implement whatever the appropriate decision is considered to be without reference to another senior manager.

## **Proposals**

8. It is therefore proposed that the existing policy be amended to make the person hearing the case the decision maker. This aligns with broader delegation changes which enhance the accountability and responsibility of Service Area Managers. The proposed revised decision making authority levels are attached as Appendix B.

## **Investment for Reform/Benefit to service user**

9. The revised arrangements will help clarify accountabilities for managers and will enable decisions to be made more quickly and efficiently.

## **Council Policies Supported**

10. This report relates to the Council's Disciplinary Policy and Procedure.

## **Advice**

11. This report has been prepared in consultation with relevant Corporate Directors and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

## **Legal Implications**

12. The rules of natural justice and best practice require that the person hearing allegations should be the person making decisions in respect of the person who is being disciplined. It is not appropriate for a person who does not hear all the evidence and submissions in a case personally to make any final decision in respect of that case.

## **Financial Implications**

13. There are no direct financial implications arising from this report

## **Human Resource Implications**

14. This proposed change to the Disciplinary Procedure is aligned to the broader Council wide review of decision making arrangements and revised delegations. There will be improved accountability and disciplinary decisions can be made more quickly and efficiently by managers hearing the case.

## **Trade Union Comments**

15. The Trade Unions support the proposed change to the decision making element of the existing policy.

## **RECOMMENDATIONS**

16. It is recommended that:-

- (i) The decision making element of existing Disciplinary Policy and Procedure be formally amended as outlined in Appendix B to give the authority for managers hearing disciplinary cases to make and implement the appropriate decisions.
- (ii) Appendix B be therefore incorporated into the existing Disciplinary Policy
- (iii) The full review of the Council's Disciplinary Policy and Procedures be reported here for consideration to the April meeting of this Committee

**BYRON DAVIES**  
**CHIEF EXECUTIVE**

The following appendices are attached:

Appendix A –Existing Authority Levels within the Council's Disciplinary Procedure

Appendix B - Proposed Revision to the Authority Levels within The Council's Disciplinary Procedure

## APPENDIX B

### AUTHORITY LEVELS & APPEAL ARRANGEMENTS WITHIN THE COUNCIL'S DISCIPLINARY PROCEDURE

<b>DESIGNATION/GRADE OF STAFF</b>  <b>SUBJECT TO DISCIPLINARY PROCEDURES</b>	<b>Minimum level authorised to chair hearing and make appropriate disciplinary decisions and suspend from duty (the decision to suspend should be taken in consultation with the Chief Human Resources Officer.)</b>	<b>MINIMUM LEVEL AUTHORISED TO HEAR APPEAL</b>	
		<b>Verbal, Written and Final Written Warnings</b>	<b>Dismissal or Relegation</b>
1. All employees up to and including Principal Officer grades	Any Officer nominated by the Chief Officer to undertake the delegated task. The officer must be at a more senior level than the employee subject to the disciplinary action.	Operational Manager	Chief Officer/Head of Function
2. Operational Manager	Chief Officer/ Head of Function	Corporate Director	Corporate Director
3. Chief Officer/Head of Function	Corporate Director	Chief Executive	Elected Members
4. Corporate Director	Chief Executive	Elected Members	Elected Members
5. Chief Executive	Member Investigating Committee and Independent Officer	Elected Members	Elected Members

## APPENDIX A

### AUTHORITY LEVELS & APPEAL ARRANGEMENTS WITHIN THE COUNCIL'S DISCIPLINE PROCEDURE

Decision	Empowered to make decision	Appeal heard by
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In the case of disciplinary decisions taken against any member of staff below the grade of Operational Manager, the authority levels and appeal arrangements are as follows:

Formal Verbal W.	Immediate Line Mgr/Supervisor	Operational Mgr
Written Warning	Operational Manager	Chief Officer
Final WW	Chief Officer	Corporate Director
Dis/Relegation	Chief Officer	Corporate Director

In the case of disciplinary decisions taken against an Operational Manager, the authority levels and appeal arrangements are as follows:

Formal Verbal W	Chief Officer	Corporate Director
Written Warning	Chief Officer	Corporate Director
Final WW	Chief Officer	Corporate Director
Dis/Relegation	Chief Officer	Corporate Director

In the case of disciplinary decisions taken against a Chief Officer, the authority levels and appeal arrangements are as follows:

Formal Verbal W	Corporate Director	Chief Executive
Written Warning	Corporate Director	Chief Executive
Final WW	Corporate Director	Chief Executive
Dis/Relegation	Corporate Director	Elected Members

Decision

Empowered to make decision

Appeal heard by

In the case of disciplinary decisions taken against a Corporate Director, the authority levels and appeal arrangements are as follows:

Formal Verbal W

Chief Executive

Elected Members

Written Warning

Chief Executive

Elected Members

Final WW

Chief Executive

Elected Members

Dis/Relegation

Chief Executive

Elected Members

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4. Corporate Director	Chief Executive	Elected Members	Elected Members
5. Chief Executive	Member Investigating Committee and Independent Officer	Elected Members	Elected Members