

*REVIEW OF WORKPLACE  
INVESTIGATIONS  
IN  
CARDIFF COUNCIL*

*Executive Summary*

*MARCH 2015*

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## EXECUTIVE SUMMARY

1. *Introduction:* Cardiff Council sets standards of performance and conduct for the workforce that are reinforced by its rules and regulations and procedures, which help the Council to follow the law, and be fair and consistent. Disciplinary procedures may be used for problems with employees' conduct or performance, and the main aim should be to improve an employee's performance or correct their behaviour, and not punish them. Grievance procedures are used for considering problems or concerns that employees want to raise with the Council. Discipline and Grievances are primarily about people, not just processes. Workplace Investigations, as part of Grievance or Disciplinary procedures are designed to support effective management by enabling quick, cost-effective resolution of problems in the workplace.
  
2. *Background:* This Review was commissioned to examine some of the known issues in the current system:-
  - Many potential disciplinary or grievance issues can, and should be, resolved at an early stage, as that is normally less time consuming and damaging to working relationships. It is not known to what extent early resolution happens, and there appears to be a large number of investigations taking place.
  
  - Disciplinary Investigations and Hearings are undertaken in addition to the "day job" for staff. There is currently no training programme available in how to undertake an Investigation or Hearing, nor any coaching or mentorship scheme.
  
  - A number of employees are suspended from duty on full pay for long periods of time. There is no monitoring or reporting on disciplinary investigations at senior level
  
  - Investigations are taking too long to conclude. Anecdotal evidence suggests that sickness absence levels are higher amongst people who are undergoing investigations.

3. *Aims*: The Review was undertaken between October 2014 and December 2014, and focussed on Disciplinary investigations that took place between April 2013 and October 2014. The reason for focussing on Disciplinary investigations rather than Grievances was, firstly, due to the current review of the Disciplinary policy, and secondly, due to the higher number of Disciplinary investigations compared to Grievance investigations. Organisational culture is considered to have a key influence on the balance and level of disciplinary and grievance cases.

#### 4. *Terms of Reference* :-

- To understand and summarise the main issues inherent in the current system.
- To establish quantitative data on timescales and outcomes for Disciplinary investigations.
- To produce recommendations for beneficial change to procedure, in order to inform the current review of Cardiff Council Disciplinary Policy, Procedures & Guidance 1.CM.035
- Identify, where appropriate, the interface and trigger for potential reviews with other applicable policies e.g. Attendance & Wellbeing, Fraud, Bribery & Corruption, etc
- Address the issues that are currently not in agreement with the Trade Unions.
- To identify how best to address the perceived inconsistency of Disciplinary sanctions in relation to fraud and financial impropriety issues, as raised by the Audit Committee.
- To explore methods for improving skills and knowledge of Investigating Officers and Hearing Chairs, in order to deal with disciplinary investigations in a fair and just manner.
- To discuss the potential viability of the establishment of a specialist Investigation team for complex investigations.

## 5. *Methodology:-*

- A contextual review of relevant documents
- A quantitative analysis of available HR People Services data on Disciplinary Investigations<sup>1</sup> between April 2013- October 2014
- A qualitative survey of Council staff, Schools staff & Trade Unions involved in those Disciplinary Investigations.

## **Summary of Findings**

### 6. Contextual Review of Research and Policy documents

#### *Key Findings:-*

#### **Code of Practice Disciplinary & Grievance Procedure (ACAS)**

An Employment Tribunal is legally required to take the Code into account when considering cases and should continue to be embedded within any review of Cardiff Council policy.

#### ***Discipline and Grievances at Work (ACAS Guide)***

Detailed good practice advice & guidance for dealing with disciplines and grievances in the workplace. It urges the need to resolve some disciplinary issues informally.

#### ***Evaluation of the ACAS Code of Practice on Disciplinary and Grievance Procedure***

Describes the balance of grievance and disciplinary cases in an organisation as reflective of its organisational culture. A higher number of disciplinary cases compared to grievances indicates a culture of formal, rather than early resolution of disciplinary issues: where the first step is recourse to a formal disciplinary or grievance procedure. The use of mediation can be in place of formal disciplinary action outlined in organisational policies

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<sup>1</sup> Excluding schools Child Protection Disciplinary investigations undertaken by Servoca Investigators

***Accompaniment and representation in workplace discipline and grievance***  
**Saundry R, Antcliff V & Jones C (ACAS Research paper)**

Trade Unions were central to informal processes of dispute resolution, before, during and after the onset of formal procedure. Early resolution is *“crucially dependent on the nature of the relationship between trade union representatives, operational management and HR advisors and managers”*

***Facing Disciplinary Action: A guide for employees and their representatives***  
**( London Law centre)**

Variation of sanctions in Disciplinary Hearings can be legitimate reasons for employees to be treated differently for the same offence, including mitigating circumstances, a cleaner disciplinary record or a difference in training.

***Mediation: A protocol for the use of Internal workplace mediation in Local Government in Wales*** **Welsh Local Government Association (WLGA).**

Recommendations for how mediation should be used, including commitment and buy in, policy and procedures, training & support and guidance.

***Win- Win” A study into the role and impact of mediation within Local Government*** **(LGA/PMA)**

Many Local Authorities are replacing their Grievance, Bullying and Harassment policies with a more progressive *“ Model Resolution policy”*. This can help a transition from a *“grievance culture”* to a *“resolution culture”*.

***Mediation: An Approach to resolving workplace Issues*** **(ACAS)**

The line between disciplinary and grievance issues may in specific instances become blurred, in which case the employer may prefer to tackle the underlying relationship issues by means of mediation rather than impose a disciplinary sanction.

***Transforming conflict management in the public sector? Mediation, trade unions and partnerships in a primary care trust* Saundry R, McCardle L & Thomas P**

Saundry et al. discuss how the involvement of unions as full contributors in the design and running of a scheme in an NHS Primary Care Trust proved transformative of the climate and culture of employment relations

***Mediation and Early Resolution: A Case Study in Conflict Management* Richard Saundry and Gemma Wibberley (ACAS)**

Positive results where Trade Unions have actually been trained as mediators leading to breaking down of barriers

## 7 Quantitative analysis

### ***Data reporting & recording:***

A total of 260 Investigations were found between 04 April 2013 and 09 October 2014, recorded in three data sources in HRPS (Two excel spreadsheets and Digigov.) There were problems with missing data, and with inaccurate information entered by HRPS officers to “work - around” the inflexibilities of the Digigov process. The accuracy of the data was manually checked where feasible. 19(83%) of the HRPS staff described accuracy of data recording in all systems as “*poor/really poor*”. No data reports on investigations are regularly produced in HRPS and accurate management reports cannot be run from Digigov. The process for recording Investigations on Digigov is too complex - 19 (83%) HRPS officers, all the Hearing Chairs, and 45 (88%) Investigating Officers reported problems with it. There is a great deal of HRPS officer time spent entering and amending data on Digigov, and this situation will not improve until the Digigov process is streamlined and simplified. There is no requirement to report on investigations within Directorates, so no-one has overall oversight of the issues. It is unclear who has overall responsibility for setting the standard of investigations.

### ***Too many investigations***

The highest number of investigations (91) was in the Education & Lifelong Learning Directorate, although this represents only 1% of their headcount. The Environment Directorate had 60 employees under investigation in the 18 month study period, which is 10% of their headcount.

### ***Too many investigations have either no disciplinary action or a poor outcome:***

Of the 169 cases that had recorded outcomes, 54 (32%) resulted in either “*no disciplinary action/case to answer*” and a further 25(15%) were abandoned/incomplete, making a total 79 cases (47%). This indicates that potentially there are a significant number of cases that could be dealt with by means other than a disciplinary investigation. In addition, 24(61%) Grievance cases were not upheld and only 10(26%) were either upheld or partially upheld.



***Investigations taking too long:***

Of the 64 cases studied on the 2013/14 excel spreadsheet with recorded data, the mean length of time from investigation start date to hearing date is 22 weeks (adjusted figure from 26 weeks). This is often not proportionate to the allegation, with no options for dealing with matters in a quick, effective manner. Less than a third of investigations were concluded within an 8 week period. Delays are frequent, often caused by sickness absence or availability of Trade Unions and other parties.

8. Qualitative Survey

***Disciplinary policy is too long & not user- friendly:***

The current document is an amalgamation of other policies that were previously separate. It is important to keep all aspects of the disciplinary procedures and processes together in one policy, however the act of pulling the separate policies together has resulted in a document that is too long. It is also a mixture of policy and guidance, resulting in more than half the Investigating officers interviewed finding that format hard/fairly hard to use. Nearly half HRPS staff stated that the policy was too long. Staff generally supported the idea of the production of detailed guidance to undertake disciplinary processes. 65% HRPS officers stated they had some issues with the definition of misconduct versus gross misconduct in the disciplinary rules

***Lack of early resolution:***

Managers are inadequately trained to deal with issues effectively at an early enough stage, and there are too few options available to them. 16(69%) HRPS staff, 29(57%) Investigating Officers and 10(59%) of the Hearing Chairs, felt they could identify situations in disciplinary investigations, where early resolution would have been an option. Mediation is currently a limited option, with a general lack of awareness of the two trained mediators in HRPS.

***Inadequate training in undertaking an investigation:***

34(67%) Investigating officers had received no training in undertaking an investigation. They are sometimes dealing with complex situations, with potentially life changing outcomes for the employee under investigation. This level of responsibility, without training, leads to a high level of stress for the Investigating officers. Both Investigating Officers and Hearing Chairs would prefer that a range of different learning methods was available including formal training, e-learning, written guidance, coaching & mentorship .

***Roles inadequately defined:***

There is a lack of description and awareness of peoples' roles in disciplinary investigations. This contributes to unnecessary delays or functions/tasks not happening. Further clarification is required for the role of HRPS, Director, Audit and the contact officer (during a suspension).

***Suspensions from duty are too long:***

40 people (15%) were recorded as being suspended from duty at some stage during the study period. 30 (75%) of the suspensions occurred in the Education and Lifelong Learning Directorate. The mean length of time for paid suspensions was 39 weeks, adjusted to 32 weeks (excluding two very long suspensions). 15(37%) employees under suspension were dismissed from employment and 6(15%) people who were suspended, ended with no case to answer/ dealt with informally. There was little evidence of adequate review of suspensions to ensure continued appropriateness. An unjustified period of suspension may amount to a breach of the implied term of trust and confidence, entitling the employee to resign and claim constructive unfair dismissal.

***Investigation Interview:***

Audio recording of interviews was favoured by 20(87%) HRPS officers and 38 (74%) Investigating officers. One Trade Union was also in agreement, but the remaining two Trade Unions disagreed with audio recording. Improvements to note-taking in interviews can be made by a standard agreed format, and/or people with shorthand skills or who can work straight onto a laptop. Where investigations are undertaken within a Directorate, impartiality, confidentiality and ongoing working relationships are issues.

***Investigating Officers Reports:***

Investigating Officer reports are very variable in quality. As evidenced by the number of poor reports at Hearings, Directors are not robustly applying a degree of standard setting at the stage when the decision to proceed to a hearing takes place. It is unclear who is "setting the standard" for Investigating Officer's reports, with divided opinion in HRPS.

***Hearings and Appeals:***

The length of time from the completion of the Investigation report to the Hearing date was often greater than the length of the investigation, due to delays in decision making and practical arrangements for Hearings. It is acknowledged that although there was some variation in sanctions at Hearings, it was inevitable due to mitigating circumstances in differing cases.

**Issues not agreed between HRPS and Trade Unions:**

(i) *Management witnesses having accompaniment at a hearing:* The role of an accompaniment to a witness is unclear, although the majority of HRPS staff, Hearing Chairs and Investigating Officers were in support of this. It is concluded that it is the conduct of the Hearing that needs addressing, to prevent witness intimidation, rather than the presence of an additional person.

ii) *Two Trade Union Representatives at a Hearing*: The ACAS Code of Practice does not describe the need for two Representatives. Where a need is identified for a new Trade Union representative to gain experience by shadowing and observing an experienced Representative, this is covered by the “observer” role. Where the case is complex, and the Trade Union Representative has a need for an Assistant to deal with large volumes of information, this is covered by the “Assistant” role.

### ***Appeals:***

Eleven of the 13 people who appealed the decision of the Hearing had been dismissed from employment and none of them had their Appeal upheld. The mean length of time from the Hearing to the Appeal Hearing was 10 weeks. The grounds of Appeal do not currently include “*New Evidence coming to light since or not considered at original Hearing*”. Very little accompanying evidence is supplied with the appeal form. The policy is not rigidly applied, and appeals are allowed to proceed despite the lack of information

### ***Sickness and Disciplinary Investigations :***

97(47%) of the 275 people under investigation had a sickness absence recorded which could be associated to their investigation. The total number of days lost was 6,155 calendar days, ( about 3,633 working days) This averages to 37 working days per person, and is more than three times higher than the average of working days lost in the Council. There is no mechanism to record the reason for the sickness absence on Digigov as in connection with an Investigation. People who are suspended and subsequently report sick, are also not captured on Digigov as a sickness absence.

There are blanket referrals to Occupational Health for determination of fitness to proceed, which causes delays. Their default position is that either attendance at an interview, OR continuing the investigation without the individual, will be better for the individual's health in the longer term. It is recommended that the individual under investigation is given the option of agreeing to continue with participation with the interview. Only those who are unsure, or where it is not clear, would be referred to Occupational Health.

**Schools:**

Servoca currently manage the Independent Investigation Service for child abuse allegations against school staff. Since the introduction of *The Staffing of Maintained Schools Regulations* in July 2014 Servoca no longer manage the less serious child protection cases that call for an independent investigator. A member of the maintaining Local Authority is no longer considered as being “independent” for the purposes of the independent investigation. The Education & Lifelong Learning Directorate have the largest number of recorded investigations ( 91) and account for 75% of the total number of suspensions. The qualitative survey had a low response rate (36%) from the Investigating Officers, and any conclusions drawn from the responses should be viewed with caution, although opinions were broadly similar to the corporate survey.

## 9. Options for change

### Option1 Minimal change :

Maintaining the status quo, with some improvements in sanctions in Hearings due to improved internal HRPS communication, and resolution of the two issues with Trade Unions. The model includes the following elements:

1. Disciplinary and Grievance Investigations would continue to be generally held within Directorates
2. Continue to be in addition to the “day job” for Investigating officers and Disciplinary Hearing Chairs.
3. Small adjustments to Disciplinary Policy only, with no division between policy and guidance
4. Training continues to be on the policy only, with no additional training in undertaking disciplinary investigations or Disciplinary Hearings.
5. No change to informal stage or other procedures
6. No change to Digigov or reporting requirements

The issues with this option include:-

- No reduction in numbers of investigations
- Insufficient improvements to length of time for investigations or suspensions
- No change in levels of sickness absence for people under investigation
- Continued lack of visibility of investigations and suspended employees
- On top of “day job” for Investigators so flawed or incomplete investigations with insufficient improvements to length of time for investigations
- No training available, so continued levels of inexperienced staff dealing with some complex investigations with high levels of stress amongst staff.
- Investigations held within Directorates so does not address issues of impartiality, working relationships or confidentiality
- Inaccurate data reporting from Digigov
- No improvement in staff time to complete Digigov process

## Option 2 Moderate change :

This option would include all the changes listed in option 1. Disciplinary Investigations would continue to generally be held within Directorates, and be in addition to the “day job” for Investigating officers and Hearing Chairs. There would be no change to early resolution procedures( apart from expansion of the Mediation service), and no changes to Digigov or reporting requirements .

The new additional elements to this option would be:

1. The current disciplinary policy would be separated into policy and enhanced guidance.
2. Formal training provided in undertaking disciplinary investigations, including e-learning, coaching & mentorship.

The issues with this option include:-

- Investigation on top of “day job” so investigations could be rushed or incomplete, with insufficient improvements to length of time for investigations
- Limited early resolution, so little reduction in numbers of investigations
- Little reduction in sickness absence
- Continued lack of visibility of investigations and suspended employees
- Inaccurate data reporting from Digigov
- No improvement in staff time to complete Digigov process
- Investigations held within Directorates so does not address issues of impartiality, working relationships or confidentiality
- School staff policy excluded from review

### Option 3 Substantial change :

This option would include all the changes listed in option 2 with the addition of :-

- 1 Early resolution procedures introduced
- 2 Changes to Digigov investigation process
- 3 Reporting requirements by senior management
4. Internally based Investigation team to deal with cases of potential gross misconduct and people suspended from duty. An established team with sufficient capacity could also offer a service external to the council (to other Local Authorities, for example) as an income generation option.

### Independent Investigation Team

Introduction of an Independent Investigation Team would address issues of impartiality, confidentiality and workplace relationships. It was established during the qualitative survey, that the introduction of an Investigation unit to deal with cases of potential gross misconduct would be largely well received, especially from the Trade Unions. The potential model for an Investigation team would need further discussion & consultation, as there would be a number of options for its establishment. The Team would be based internally in the Council.

### *Funding options*

Option 1: A “**virtual team**” comprising of staff nominated by Directorates who would deal with investigations. These nominated people would receive additional training and a range of support mechanisms.

Option 2: **Staffing seconded from Directorates** (including HRPS) to form an actual team. This would be proportionally according to demand ascertained from the numbers of investigations previously undertaken, so could include people on part time secondments.



Option 3: **Top slicing Directorate budgets:** Funding to set up a Team proportionally based on previous percentage of Investigations undertaken. No additional charging to the Directorate for usage of the service.

Option 4: **Corporate funding , with cross charging to Directorates:** Charging would be according to usage of the service. Charging Directorates for an Investigation service is likely have an impact on increasing early resolution methods, and reducing numbers accelerating to investigation..

Option 5: **Corporate funding with no charge to Directorates :** This would be an attractive option for Directorates, as there would be no spend on their individual budget. This option would potentially only be feasible if a business model was considered with income generation ( see point 4).

Option 6. **Externally funded:** An established team with sufficient capacity could also offer a service external to the council (to other Local Authorities, for example) as an income generation option, which could fund or offset costs an internal service.

These substantial changes should bring about benefits which include

- Fewer number of investigations as more resolved earlier
- Fewer Investigating Officers doing investigations on top of day job
- Reduced level of stress on staff and improved sickness absence levels
- Expertise developed so fewer investigations flawed and improved impartiality and justice
- Reduced cost of delivering training programme to fewer staff
- Reduction in inconsistency of sanctions at Hearings
- Staff understand roles and responsibilities better
- Improved consistency of HRPS advice from Investigation unit officers

- Reduced length of investigations & suspensions improved cost to council
- Accurate data reporting from improved Digigov process
- May be income generation option

The risks to this option are:-

- Long term sustainability of the investigation unit and training with reduced council resources
- Restriction on providing Independent investigators for schools due to protocol changes

### **Further Option for more detailed Analysis:**

#### **Business case for an Investigation Unit as arm's length company**

A future opportunity would be the establishment of a business case to set up an Investigation unit as an arm's length company, in a trading model. The Unit could provide cost effective investigations to other Local Authorities or organisations. The external income stream would then directly fund the level of support to independent investigations as required by Schools and Directorates within the Council. This option could be part of a staged approach following on from Option 3

This option would bring about the following benefits:-

- Disciplinary investigation would be independent
- Potential for a professional service at cost effective price
- Potential Income generation for the council
- External income stream fund service to Cardiff Council
- Service could provide independent investigations for schools
- Service may be expanded to provide training & development
- The risk to this option is that the Market for an investigation service not known

## **RECOMMENDATION**

- 1. It is recommended that Option 3 is implemented, as this will provide the biggest impact in the short to medium term, and represent value for any financial investment by reduction of wasted resource and potential income**
- 2. This could be a staged approach leading to a further option for an Investigation unit as an arm's length company , as this would potentially give longer term sustainability as a business model, provide an opportunity for an external funding stream and enable delivery of a service to Schools.**

## Conclusions

10. During the qualitative survey, there were expressions of gratitude from many Investigating officers for the level of support they received from the HR officer during their investigation. However, Schools and Trade Unions expressed some negative comments about the relationship with HRPS, with criticisms of “*procedural flaws*”, “*lack of communication*” and “*inconsistent HRPS advice*”. This sense of “injustice” has led to fraught relationships at times.
11. This review has evidenced that there needs to be a change to the way that workplace investigations are managed in the Council. Maintaining the status quo is not an option, as there are considerable costs in terms of wastage of staff resource on unnecessary work, and cost in terms of high sickness absence, and the length of time people are on paid suspensions from duty.
12. The Key Principles for future workplace investigations need to include the following elements:
  - Managers should be up-skilled through the Manager Development programme to resolve issues at an earlier stage -a range of resolution methods will be available
  - Fast track disciplinary process available for more minor misdemeanours
  - Trade Unions will be involved collaboratively to resolve issues at an earlier stage.
  - Robust decision making regarding which situations need investigation. If there is insufficient improvement in the reduction of the number of disciplinary investigations, a panel forum should be considered.
  - Misconduct issues that need investigating will be dealt with by staff who are trained and supported to do so.
  - Policy and guidance is clear with peoples’ roles and responsibilities well defined
  - Employees under investigation have better levels of communication, support and sickness management
  - Hearings are undertaken in accordance with a code of conduct

- More complex or potential gross misconduct investigations are dealt with by an investigation team with higher levels of training and expertise. Investigations are undertaken as quickly as possible without compromising quality
- The whole process is backed up by a management information system that is accurate and simplified, to enable proficient monitoring and reporting arrangements.

13. *Changing Organisational Culture*: The future management of workplace

Investigations is set within a period of rapid organisational change and the need for changes in culture. A workforce strategy is currently being formulated and awaiting ratification. It sets out a framework of six key priority areas to create this culture, and achieve improvements. It is suggested that implementation of all recommendations from this Review will be a key example of evidencing the workforce strategy in action.

**Working in partnership with Trade Unions** – a collaborative approach will be essential for the increased robustness of Early resolution of issues reducing unnecessary investigations, stress and sickness absence.

**Employee voice** -This review is a good example of consultation and listening to the employees to influence change and improvement. Many elements will be found in the emerging *Employee Charter*.

**Learning & Development**- Learning & Development will be key to “making a difference” to increased confidence in the quality and consistency of future investigations.

**Performance Review**- the up-skilling of managers to deal with staff behavioural issues through performance review, will be an essential early resolution mechanism.

14. More than 120 staff people who had been involved in undertaking investigations over the previous 18 months, have been involved in this review, with in excess of 100 hours of face to face interview time spent actively listening to them. Their experience of undertaking investigations has shaped the recommendations.
  
15. For future positive management of workplace investigations, the following Key Recommendations need to be implemented, together with the cultural change, for a reformed service. This will restore confidence in the disciplinary process, instil a sense of “natural justice”, and lead to improved outcomes.

Christine Synan

March 2015

## **KEY RECOMMENDATIONS**

### **RECOMMENDATION 1: CHANGES TO COUNCIL DISCIPLINARY POLICY**

- 1.1 Amend Disciplinary policy separating the all encompassing policy from the individual guidances contained therein.**
- 1.2 Increase emphasis on early resolution of issues to include:**
  - **Expansion of the internal mediation service**
  - **Introduction of Fast track Disciplinary process**
- 1.3 Changes to policy regarding:**
  - **Use of mediation at any stage of discipline and grievance procedure**
  - **Re-define Fraud in order to categorise minor misdemeanours**
  - **Amendment to the Disciplinary policy regarding the choice of workplace colleague as companion to the Employee at the Hearing. In accordance to the EAT ruling May 2013, it is the request to be accompanied that has to be reasonable and not the choice of workplace colleague.**
  - **Amendment to policy regarding attendance at Hearings between management and respondent witnesses.**
- 1.4 New addition to policy:**
  - **Introduction of Code of Conduct for hearings**
  - **Additional ground for Appeal “New Evidence coming to light”.**
- 1.5 Cross -reference the Discipline policy to the Attendance & Wellbeing policy and Fraud, Bribery & Corruption policy**
- 1.6 Consideration interface with Dignity at Work policy and a linkage to the workforce strategy including the Employee Charter**
- 1.7 The consequences of breaching policy should be clearly stated**

### **RECOMMENDATION 2: CHANGES TO OTHER POLICIES**

- 2.1 Review the current Grievance policy 1. CM.040 and consider introduction of a Resolution policy which combines Grievance, Harassment and Bullying policies.**
- 2.2 Adoption of the Welsh Local Government protocol for Internal Workplace Mediation**
- 2.3 Amendment to the School Staff Procedure 1.CM.035 –Sch. to reflect changes to the revised Welsh Government Circular 002/2013**
- 2.4 Addition to the Attendance & Wellbeing policy re management of sickness during Disciplinary Investigations (including suspensions)**

### **RECOMMENDATION 3: CHANGES TO DISCIPLINARY GUIDANCE**

- 3.1 Develop detailed Guidance for each stage of a Disciplinary Investigation Process**
- 3.2 Define roles and responsibilities of staff within the Disciplinary Investigation process, including new roles of Observer, Assistant and Expert witness**
- 3.3 Develop enhanced guidance relating to Child Abuse and Police involvement**
- 3.4 Guidance on Employment Tribunals should be produced on preparation for ET- roles and expectations**

### **RECOMMENDATION 4: TRAINING**

- 4.1 Enhance Cardiff Manager Development programme to include methods of early resolution**
- 4.2 Establish a Disciplinary Investigation development programme including e- learning, formal training, coaching & mentorship.**
- 4.3 Instigate opportunities for observational experience for relevant staff in Disciplinary Hearings (by agreement of all attendees and carefully managed as a confidential process) and HRPS staff at Employment Tribunals.**

### **RECOMMENDATION 5: COMMUNICATION**

- 5.1 Improve internal communication and establish database within HRPS re outcomes of Hearings & Employment Tribunals**
- 5.2 Improve future policy review by enhanced engagement of employees and communication to Directorates/schools**



#### **RECOMMENDATION 6: MONITORING & REPORTING**

- 6.1 Disciplinary Investigations (including suspensions and associated sickness absence) should be regularly monitored and reported at senior management level within Directorates.**
- 6.2 HRPS should review and collate corporate monitoring data in relation to Discipline.**

#### **RECOMMENDATION 7: CHANGES TO DIGIGOV**

- 7.1 Review and amend the Disciplinary Investigation process on Digigov to reduce the current issues, and enable accurate management reporting.**
- 7.2 Develop a prompt in Digigov to trigger a review of a suspension of an employee.**
- 7.3 Create an option tab in Digigov to link sickness absence to an investigation**

#### **RECOMMENDATION 8: SICKNESS ABSENCE**

- 8.1 Robust management of sickness absence during Disciplinary Investigation (including suspensions) managed by one HRPS officer.**
- 8.2 Revise the determination for fitness to participate in the investigation, to prevent blanket referrals to Occupational Health**

#### **RECOMMENDATION 9: FUTURE MANAGEMENT WORKPLACE INVESTIGATIONS**

- 9.1 Establish an Investigation team to deal with cases of complexity and/or potential Gross Misconduct.**
- 9.2 Consider business case to set up an Investigation unit as an arm's length company, in a trading model for income generation and longer term sustainability**

