

## **COUNCIL, 29 JANUARY 2014**

### **REPORT OF THE GOVERNANCE COMMITTEE**

#### **POWERS OF THIRD TIER MANAGERS – AMENDMENTS TO THE CONSTITUTION**

Governance Committee at its meeting on 15 January was invited to consider amendments required to the Constitution to give delegated authority for third tier managers to hear and determine disciplinary and grievance cases.

While it has long been possible for managerial staff to handle disciplinary matters, including hearings, custom and practice within the Council has been that most disciplinary and grievance hearings are conducted by a Head of Service or Assistant Director with subsequent appeals being heard by a Group Director or occasionally another Head of Service. This is reflected in the current provision in the Constitution which delegates disciplinary matters to Heads of Service who then have to formally delegate powers to a 3<sup>rd</sup> tier manager if the Head of Service wants them to handle disciplinary hearings.

As a result of the Council's Transformation Programme there are fewer Heads of Service with greater calls upon their time. This results in it being increasingly difficult to schedule disciplinary and grievance hearings within a reasonable timescale. It is generally in the interest of the organisation, the Service and the affected individuals that such matters are dealt with expeditiously, indeed in the past the Council has been criticised for the length of time taken to handle disciplinary cases.

It is therefore proposed that third tier managers, i.e. those reporting directly to a Head of Service, will have delegated powers to hear and determine disciplinary and grievance cases. This will include those involving gross misconduct and therefore the risk of dismissal from employment if the case is found proved, although normally a case of such seriousness would be heard by a Head of Service.

The procedure to be followed in hearings is clearly set out in the relevant HR policy and process and HR support and training will be made available to managers.

**The Governance Committee accordingly recommends to Council that the following amendment be made to Part 3 of the Constitution, Section 3: functions delegated to staff:**

Insert the following section:

3.4A Powers of Third Tier Managers

Third Tier Managers are managers who report directly to a Head of Service.

- (a) To hear and determine disciplinary hearings of more junior staff including those involving accusations of gross misconduct
- (b) To hear and determine grievance hearings