



GOVERNANCE COMMITTEE

15 January 2014

Subject Heading:

POWERS OF THIRD TIER MANAGERS

CMT Lead:

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Policy context:

Financial summary:

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	□
Championing education and learning for all	□
Providing economic, social and cultural activity in thriving towns and villages	□
Valuing and enhancing the lives of our residents	□
Delivering high customer satisfaction and a stable council tax	□

SUMMARY

This report seeks to give delegated authority for third tier managers to hear and determine disciplinary and grievance cases.

RECOMMENDATIONS

That the Committee agrees and recommends to full Council that the following amendment be made to the section on delegated functions in the Constitution:

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

REPORT DETAIL

1. 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 they have to formally delegate powers to a 3rd tier manager if the Head of Service wants then to handle disciplinary hearings.
2. 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.
3. 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.
4. 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.

IMPLICATIONS AND RISKS

Legal implications and risks:

The handling of internal disciplinary & grievance issues is largely a matter for an employer, the key issues being

Financial implications and risks:

There are no direct financial implications from these proposals

Human Resources implications and risks:

Equalities implications and risks:

Governance Committee, 14 November 2012

No equalities implications and risks have been identified as a result of the proposed changes to the Council Meeting procedure as there are already provisions in the Council Procedure Rules to ensure a fair distribution of questions answered at Council meetings.

BACKGROUND PAPERS

None