

Audit Standards and General Purposes Committee

Subject: Amended Disciplinary Policy and Procedure

Date of meeting: 22 April 2025

Report of: Interim Director People and Innovation

Contact Officer: Name: Tracy Lucas

Email: tracy.lucas@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 All employers should have appropriate policies and procedures in place for dealing with matters related to performance and behaviour in the work place. The policies and procedures should be compliant with the relevant ACAS codes of practice and employment law more generally.

1.2 The purpose of a disciplinary procedure is to support employees in maintaining appropriate standards of conduct and behaviour and set out the processes that the Council has in place to manage situations where conduct falls below the required standard and ensure that all employees are treated fairly and equitably.

1.3 Being able to effectively manage conduct and behaviour that falls below required standards is vital to a healthy workplace culture that is fair and inclusive and this is supported by learnings following the McColgan report into the culture at Cityclean in 2023. An effective disciplinary procedure therefore supports Outcome 4 of the Council Plan – A responsive Council with well-run services.

1.4 The formal disciplinary policy and procedure is only one part of our wider approach to support staff and provide a great place to work with a focus on trying to resolve issues early and informally wherever possible with action under formal procedures only being taken where it is necessary to do so.

1.5 For example, the council has an in-house mediation scheme. We have a diverse team of qualified internal mediators that are able to support parties in dispute. Mediation is being used more frequently to resolve disputes in many areas, including the workplace. It provides an informal and speedy solution to workplace conflict and offers a safe and confidential space for people to find their own answers. It's particularly useful for situations at work where there's a breakdown in relationships.

1.6 The disciplinary policy and procedure has been reviewed and the Committee is being asked to approve the new policy and procedure.

2. Recommendations

2.1 It is recommended that:

- 1) Committee approves the new policy and procedure and for it to be implemented on or after 1 May 2025.
- 2) The Interim Director People and Innovation is authorised to take the necessary steps to implement and publish the new policy and procedure including determining any transition arrangements.

3. Context and background information

3.1 The existing policy has been in place since December 2012 and requires updating to ensure it meets best practice, current legislation and the Council's needs.

3.2 Research has been undertaken into current Advisory, Conciliation and Arbitration Service (ACAS) guidance, legislation, comparative policies and best practice. The revised amended policy takes all these into account

3.3 Key changes are

- New Equality and Diversity Statement
- Removal of 2nd written warning leaving two levels of warning in line with good practice – First Written Warning and Final Written Warning.
- Reduction in length of time First and Final Written Warnings remain 'live'
- Roles of TU and HR representatives at formal meetings defined
- Updated list of examples of misconduct and gross misconduct

4. Analysis and consideration of alternative options

4.1 An alternative option is to leave policy as it currently is however our existing policy is no longer compliant with ACAS guidance and there are aspects which would affect the Council negatively if they were raised in an employment tribunal.

5. Community engagement and consultation

5.1 The amended policy has been shared with the Council's internal Policy Consultative Group (PCG) which consists of service manager representatives, GMB and Unison representatives, HR representatives and the Equality Diversity and Inclusion Manager.

5.2 The policy has been discussed at four meetings of the PCG on 23 October, 26 November 2024, 5 February and 11 March 2025.

5.3 The policy was also discussed at an additional meeting with GMB and Unison on 11 December 2024.

5.4 Feedback was received at these meetings and appropriate changes made to the draft.

6. Conclusion

6.1 In order to ensure the Council has a robust, clear and fair Disciplinary Policy and Procedure it is recommended that Committee approve the amended version which will become operational on or after 1 May 2025.

7. Financial implications

7.1 There are no direct financial implications arising from the recommendations of this report

Name of finance officer consulted: James Hengeveld Date consulted :27/03/25

8. Legal implications

8.1 The current policy is 13 years old and therefore this revised policy allows for update, and to ensure the Council is aligned with ACAS best practice and therefore the standards and approach expected by an employment tribunal.

Name of lawyer consulted: Chris Kingham Date consulted : 27/03/2025

9. Equalities implications

9.1 An Equality Impact Assessment has been carried out in relation to the Disciplinary Policy and Procedure.

9.2 As part of our annual Workforce Equalities Report we provide data related to the experiences of our workforce. The report for the 2023/2024 financial year stated *“Male staff (70%) were more likely to be subject to disciplinary procedures compared with their proportion of the workforce (42.7%). Data shows no disproportionate outcomes for disabled, BME and LGBTQ+ staff.”*

10. Sustainability implications

N/A

Supporting Documentation

Appendices

1. Disciplinary Policy and Procedure

