

Lead topic: CSHR Policy	Sub-topic: Revision of the Disciplinary Code and Changes to the Civil Service Regulation Acts and Public Service Management Act	Contact: Louise McGirr/Deirdre O'Neill/Ivana McGarr Ext: 5096
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FAST FACTS

- **Action 11.3 of the CS Renewal Plan provided for the strengthening of the Disciplinary Code to enable managers to take more effective and decisive action as required to tackle underperformance including exits**
- **Revised Draft Disciplinary Code was presented to the CSMB in July 2015**
- **Revised Underperformance Policy also developed**
- **Discussions with Civil Service Staff Panel on revised policies at an advanced stage**
- **Work carried out identified the need to amend Civil Service Legislation**
- **The Government has decided to amend the Civil Service Regulation Acts 1956 – 2006 and the Public Service Management Act 1997 to provide that disciplinary action up to and including dismissal can be delegated below the level of the Head of the Organisation/Appropriate Authority.**
- **Draft Heads of a Bill to give effect to this decision have been prepared internally and consultation with the Office of the Attorney General on the drafting of the Bill will commence shortly.**

Q&A'S

Q1. When will the new Disciplinary Code be in place?

Discussions are currently ongoing with the Civil Service Staff Panel on the introduction of the new Disciplinary Code and Underperformance policy. It is anticipated that these will conclude shortly. A change management strategy for the new policies is currently in development with a view to ensuring an efficient rollout in Q1 2016. This will be an interim code which will be revised when the changes to legislation are in place.

Q2. Will the new policy make it easier to sack civil servants who underperform?

The new policies make it clear the steps to be taken when addressing underperformance and disciplinary matters. This clarity will enable the relevant procedures to be followed

in a timely and appropriate manner. The policies ensure that there are fair procedures in place for both managers and individuals. The new Management of Underperformance Policy also strengthens the links between a failure to improve performance and disciplinary actions.

Q3. Why is it proposed to amend the Civil Service Regulation Acts and the Public Service Management Act?

The current legislative framework makes it necessary for all dismissals to be carried out by the Appropriate Authority who is generally the Head of the Organisation. In order to ensure that the practices in the Civil Service are in line with usual employment practices it is appropriate that this function is delegated below that level in the organisation. The amendment to the existing regulatory framework will provide for this.

Q4. Why is this an interim Code?

The current legislative framework provides that only the Appropriate Authority can dismiss or carryout other serious sanctions which result in a loss of income. This means that these matters must be appealed to a Disciplinary Appeals Board prior to implementation of the sanction. The interim Code has been developed to take account of the legal position. When the legal position is changed, it will be possible for the sanctions to be applied by line managers and then be appealed. A revised Code will be required to take account of the legislative change.

Q5. Will the new Code and Underperformance Policy be implemented effectively?

The introduction of the new Code and Policy will be underpinned by a change management strategy aimed to support managers and staff in the roll out of the new policies.