

SECRET

Memorandum for the Cabinet by
the Hon. Prime Minister

Centralisation of Disciplinary Procedure

Under the existing Public Service Commission (Disciplinary Procedure) Regulations, 1961, disciplinary procedure is centralised in the case of officers above the line of delegation (i.e., for all pensionable officers and officers borne on no establishment but in receipt of a salary over £500 a year). In respect of all other officers, discipline is delegated to Heads of Department by an instrument made under the Constitution. Heads of Departments then exercise discipline through departmental boards appointed under administrative arrangements. There are approximately 5200 officers above the line of delegation, and approx. 11,800 officers and employees below the line of delegation.

2. Regulation 13 delegates to Heads of Department authority to administer a warning for unsatisfactory work and conduct and summary admonishment in case of minor misconduct even in respect of officers above the line of delegation.

3. The Police Ordinance delegates to the Commissioner of Police disciplinary control over all non-gazetted officers (i.e., officers below the rank of Inspector), even though these are above the line of delegation.

4. The pattern is that power to exercise disciplinary control is centralised in the case of heavier punishments and delegated further down in the case of minor punishments. The proposed revised Disciplinary Regulations, which have secured agreement by Establishments, Staff Side, and P.S.C., envisage the possibility of Heads of Department delegating disciplinary control, in the case of minor punishment, to section heads.

5. It has been suggested that the exercise of discipline over Government employees should be vested in some single central authority. The present delegation of disciplinary control was made, as stipulated in the Constitution, on the recommendation of the P.S.C. Any change, therefore, would similarly have to be referred to the P.S.C. In a matter like this, consultation with staff interests would also be necessary.

6. Centralisation of procedure where control has been delegated to Heads of Department is alien to the existing disciplinary regulations, which everywhere leave the initiative to the discretion of the Head of Department. If discipline were to be centralised even below the line of delegation, it would be necessary to recast the Disciplinary Regulations throughout, since the concept of a Head of Department acting in his discretion underlies them all.

7. The Cabinet are invited to consider the position; to tender advice on the desirability of centralising the machinery for discipline in cases where power to exercise disciplinary control has been delegated to Heads of Department; and, if they should favour centralisation, to suggest ways and means of attaining it, such as remitting all matters of discipline to the P.S.C.

18th July, 1964.
