

## **DISCIPLINE IN THE PUBLIC SERVICE THE INVESTIGATING OFFICER**

### **The Disciplinary Process**

The Public Service Commission has jurisdiction to exercise disciplinary control over public officers in the Civil Service, the Prison Service and the Fire Service by virtue of section 121 of the Constitution. The procedure for exercising such disciplinary control is set out in Chapter VIII of the Public Service Commission Regulations.

That procedure is normally initiated when a Permanent Secretary or Head of Department receives a report or allegation of misconduct or indiscipline and he/she reports the matter to the Director of Personnel Administration for the information of the Commission and concurrently warns the officer in writing of the allegation.

The Permanent Secretary then appoints an Investigating Officer who would obtain statements from all parties concerned and submit a report to the Commission. The Commission would then lay disciplinary charges if appropriate and would appoint a Disciplinary Tribunal to hear the evidence and find the facts. The tribunal prepares a report which is submitted for the consideration of the Commission which then determines the matter and imposes such penalty as it considers fit.

Accordingly, the Investigating Officer has an important role in the disciplinary process.

### **Procedure for Investigating Officer**

The procedure for the Investigating Officer is outlined in Regulation 90 (3) – (5) of the Public Service Commission Regulations; Chapter 1:01.

The process begins when the Investigating Officer receives his letter of appointment from the Permanent Secretary or Head of Department. The steps to be followed are outlined hereunder: -

1. The Investigating Officer should immediately enquire of the Permanent Secretary the names of persons who may have direct knowledge of the alleged indiscipline or misconduct.
2. The Investigating Officer should then prepare letters to the officer against whom the allegation has been made and the persons who may have direct knowledge requesting written statements within seven (7) consecutive days with respect to the alleged infraction. One copy of the letter should be prepared for acknowledgement by the person as having received it.

3. Within three (3) consecutive days of receipt of the letter of appointment, the Investigating Officer should serve the officer, against whom the allegation has been made, his letter.
4. The Investigating Officer should next serve letters on the persons with direct knowledge of the alleged infraction. These persons should be requested to submit written statements within seven (7) consecutive days.
5. The Investigating Officer should also acquire any relevant original document and/or items which may support the alleged infraction where necessary e.g. Registers, Log Books.
6. If it becomes necessary, the Investigating Officer may apply for an extension of time for the submission of the report. This request must be submitted to the Commission before the expiration of thirty (30) days after receipt of the letter of appointment and should allow for at least five (5) working days for approval by the Commission.
7. On receipt of the responses, the Investigating Officer then prepares his report. The report should comprise the following:
  - (i) a listing of the documents being submitted;
  - (ii) a statement from the Investigating Officer indicating the date on which he received his letter of appointment, the conduct of the investigation and any problems encountered and his interpretation of the information unearthed;
  - (iii) A copy of the Investigating Officer's letter of appointment;
  - (iv) the original statements of the officer and the persons with direct knowledge;
  - (v) copies of the letter sent to the officer against whom the allegation was made and the persons with direct knowledge on which they acknowledged receipt of the original; and
  - (vi) Any relevant original documents and/or items.
8. The report should then be forwarded to the Director of Personnel Administration as soon as possible but not later than thirty (30) days after receipt of his letter of appointment or at the expiration of the period of the extension, if granted.



If a disciplinary charge is preferred against the officer by the Public Service Commission, the Investigating Officer will be required to attend the hearings of the Disciplinary Tribunal. At the Tribunal hearing the Investigating Officer will only be required to answer questions pertaining to the conduct of the investigations.