

PSC CIRCULAR

Public Service Commission, Berkley Crescent, P. O. Box 2211
Government Buildings, Suva. Telephone 3-314-588

PSC Circular No. 18/2007

To: Permanent Secretaries and Heads of
Departments

Date: 19/06/2007

Subject: Disciplinary Procedure

1.0 Purpose

1.1 It is necessary and important to remind Permanent Secretaries and Heads of Departments of the current disciplinary procedure and to clarify those parts of the procedure which have not been well understood and are not being fully and properly complied with and is a serious cause of delay in the processing and finalisation of disciplinary cases.

2.0 Disciplinary Procedure

2.1 The disciplinary procedure is provided in **Appendix I** to this Circular. Included in the procedure is a part covering the Order of the formal disciplinary hearing and the role of the Permanent Secretary in the hearing.

2.2 As evident from the disciplinary submissions received and considered by the Commission, the main parts of the procedure which require clarification and better understanding include:-

- Interpretation and understanding of the Regulations;
- Objective of the prescribed time frame of three (3) months;
- Suspension (with/without salary) from Duty;
- Should an officer under investigation be required to proceed on leave;
- Formal Disciplinary hearing by the Commission;
- Role of Permanent Secretaries and Heads of Departments in the formal disciplinary hearing – prosecuting and advocacy.

Interpretation and Understanding of the Relevant Regulations

3.1 Regulations 22 and 23 of the Public Service (General) Regulations 1999 are relevant. These are quoted and explained in the disciplinary procedure attached as **Appendix I**.

4.0 Objective of the Three (3) months Time Frame

4.1 The primary objective of the three (3) months time frame as stated in the disciplinary procedure and in PSC Circular No. 17/2005 dated 13/03/2005 is the proper and speedy finalisation of disciplinary cases. No disciplinary case must remain undisposed or outstanding beyond the three (3) months time frame; without the agreement of the Commission.

5.0 Suspension (With/Without Pay)

5.1 Once the requirements of Regulation 23(1)(a) and (b) are fully satisfied a suspension may be effected by a Delegate in accordance with Regulation 23(3) which requires that the suspension from duty shall be without salary. Having made a decision to suspend an officer without salary, the Delegate may consider a case for the payment of either full or partial salary on suspension. The onus will be on the officer to make a formal written submission to his or her Permanent Secretary who will then refer this to the Commission with an appropriate recommendation.

6.0 Formal Disciplinary Hearing

6.1 The Commission meets twice a month and also conducts its disciplinary hearings at these meetings.

6.2 The order of the disciplinary hearing is as determined by the Commission and which ensures compliance with the principle of natural justice in accordance with Regulation 22(2) of the Public Service (General) Regulations 1999.

7.0 Role of Permanent Secretaries in Formal Hearings

7.1 Permanent Secretaries are required to personally be in attendance in a Commission disciplinary hearing to formally put your cases across to officers and/or legal Counsels who they have charged for disciplinary offences/breaches of the Public Service Code of Conduct. Knowledge and skills in advocacy would be advantageous.

8.0 Clarification

8.1 PSC Circular No. 17/2005 dated 31/03/2005 is super ceded.

8.2 For further information and clarification please contact Mr. Salimoni Karusi, Manager (Ethics and Discipline Unit), Human Resource Management Division, Public Service Commission, on telephone no. 3314588 extension 302 or on email address skarusi@psc.gov.fj.



T. Tagicakibau (Mrs.)

**Permanent Secretary for the Public Service, Public Enterprises and Public
Sector Reform**