

**From: Bryan Sweetland - Cabinet Member for Communications, Engagement, People and Partnerships**

**Amanda Beer - Corporate Director – People and Communications**

**To: Personnel Committee**

**Date: 11<sup>th</sup> November 2021**

**Subject: Employee Relations Casework Activity**

**Classification: Unrestricted**

**Summary:** This report updates Personnel Committee on employee relations case work activity for the period 1 April 2021 to 30 September 2021.

**Recommendation(s):**

The committee is asked to note the report of employee relations activity including senior officer appeals hearings.

## **1. Introduction**

- 1.1 Personnel Committee are provided with an update on the numbers of discipline, capability, resolution, and Employment Tribunal cases to provide an overview of the level of activity and distribution of cases. This report updates the Committee on the activity for the year 1 April 2021 – 30 September 2021.
- 1.2 The case activity reflects the range of Employee Relations (ER) cases our KCC Managers are managing. The Managers continue to lead on managing performance assisted by a range of development interventions and tools available to assist them. The HR Team continues to take the lead in providing professional advice and coaching managers to confidently manage the increasingly complex employee relations cases.

## **2. Case Analysis**

- 2.1 The analysis of activity for the year is set against the challenges of continuing to manage cases through the response and recovery phase of the COVID19 pandemic. The overall case levels at the half year mark have increased by 23 or 9%. As in previous years, the greatest volume of cases in the year are those concerning ill health, and the number of cases being managed formally has increased from the previous year indicating managers are addressing and robustly managing absence by formalising sickness cases after the informal processes have been exhausted. (Appendix 1).
- 2.2 Disciplinary case activity has remained at broadly similar levels to the previous year indicating that Managers are continuing to address issues through the appropriate channels and progressing through the formal processes where necessary with HR advice and support.

- 2.3 The resolution case activity during the first half of 2021 has remained at similar levels to last year however the number of cases involving bullying and harassment has reduced from the previous year indicating the successful management of these types of cases through early conversations using informal channels and with Managers taking a proactive approach.
- 2.4 There has been an increase in the case activity concerned with the management of performance against the previous year and this reflects the proactive approach our managers are taking in addressing issues of performance formally where necessary and where informal performance management approaches have not been successful.
- 2.5 The number of Employment Tribunal and Early Conciliation cases where claims are lodged against KCC has reduced slightly from 2020 half yearly levels and remain relatively low for an organisation of its size. Cases are now being progressed through the Employment Tribunals, following a period of delay during the early part of the pandemic. There are nine claims currently pending and during the first half year three have been settled or withdrawn and in one, the Employment Tribunal found in favour of the claimant. Of the three Early Conciliation cases, where discussions take place through ACAS, discussions are ongoing in two and one request was rejected by KCC and a claim has been lodged with the Employment Tribunal.

### 3. Dismissal appeals heard by senior officers

- 3.1 Appeals against dismissal (other than staff in probation) are managed through HR and members of the Senior Managers Group are expected to sit on the appeal panel supported by Invicta Law and HR. Appeal decisions are therefore taken by a range of senior officers.
- 3.2 From 1 April 2021 to 30 September 2021 one dismissal appeal was heard and one is still pending having been adjourned. As outlined on the table below, the appeal heard was not successful.

Directorate	No. of Appeals	Case Type	Outcomes
Adult Social Care and Health	1	1 x Disciplinary Dismissal	Appeal not upheld
Children, Young People & Education	1	1x Disciplinary Dismissal	Not yet heard
TOTAL	2		

### 4. Conclusions

The half year ER case activity overall has increased, which may be expected as some case activity was paused during the very early stages of the pandemic last year. There has been an increase in cases being formally managed through the Performance and Capability Procedure and the number of cases pending at

Employment Tribunal have reduced now that the Employment Tribunals are actively progressing cases.

**Recommendation(s):**

Personnel Committee is asked to note the report of employee relations activity including senior officer appeals hearings.

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