

By: Roger Gough – Cabinet Member, Corporate Support Services and Performance Management
Amanda Beer – Director of Personnel & Development

To: Personnel Committee – 12 May 2010

Subject: Disciplinary and Grievance Activity

Classification: Unrestricted

SUMMARY: This report updates Personnel Committee on discipline and grievance activity for the second 6 months of 2009/10, including details of appeals.

1. Introduction

1.1 This report presents an update on a range of Employee Relations activity (excluding in schools) from October 2009 to March 2010, together with an indication of change from the previous update.

2. Activity for October to March 2010 – Additional Cases

2.1 In this period an additional 260 cases have been initiated. As previously indicated the nature and level of activity required varies considerably depending upon the circumstances of each individual case.

2.2 This represents a small decrease of approximately 8% in overall numbers from the previous 6 month period. There have been fewer applications to Employment Tribunal, and less internal dismissal appeals.

2.3 The summary below shows cases initiated over the 6 month period, with the previous 6 months from 2009 equivalent figure in brackets:

ADDITIONS

Type of Cases	2009/10	2009
Disciplinary	87	(88)
Capability - Poor Performance	27	(19)
Capability - Ill Health	96	(110)
Capability - Other	3	(4)
Grievance	22	(41)
Harassment	11	(4)
ET	2	(4)
Appeals	12	(15)
Total	260	(285)

2.4 There is a broadly comparable level of activity in areas such as discipline, capability and grievances. Capability continues to represent the highest level of activity in terms of volume, though interestingly in the last 6 months a shift

from ill health cases to those relating to an individual's performance, which may well have been triggered by the annual appraisal process.

3. Activity for October to March 2010 – Cases Resolved

- 3.1 The following summary shows the cases that have been resolved in the last 6 months. This will not correspond to cases from the previous summary as there is a “rolling effect” for such activity and many of the resolved cases will have been initiated before October 2009.

RESOLVED		
Type of Cases	2009/10	2009
Disciplinary	74	(78)
Capability - Poor Performance	27	(26)
Capability - Ill Health	97	(91)
Capability - Other	3	(7)
Grievance	18	(39)
Harassment	8	(3)
ET	4	(1)
Appeals	3	(20)
Total	234	(265)

- 3.2 As with new cases, there has been a small decrease in the number of cases concluded in the 6 month period. However the profile is a little different – the majority of our Employment Tribunal cases have been concluded and there are significantly fewer internal appeals. What is common between both sets of data is the reduction in activity relating to grievance and harassment. This has been during a time of some uncertainty and reorganisation which would normally generate considerable levels of “challenge”. It is fair to conclude that whilst this will in part be due to the current economic and employment environment, it is also a reflection of well managed change and consultation.

4. Disciplinary Appeals

- 4.1 There have been only 3 dismissal appeals resolved in the 6 month period to March 2010. The summary below outlines where these cases originated, the time taken from the original hearing to the appeal and the outcome.

Directorate	No of Appeals	Time from dismissal to Appeal	Outcome(s)
KASS	0		
Chief Execs	0		
CFE	1	1x 14days	1x appeal withdrawn
Communities	2	1x 60days, 1x 86days	2x appeals not upheld,
EHW	0		
Totals	3		2x appeals not upheld, 1x appeal withdrawn.

- 4.2 The number of appeals against dismissal, downgrading or transfer is much lower than previously experienced although considering the number of new appeal cases (12) this is something of a temporary reduction. Senior Officer Appeals continue to be supported by Legal Services, Corporate Employee Relations and Personnel Teams and outcomes indicate that decisions are being appropriately scrutinised.
- 4.3 Although a much smaller number for this 6 month period, the time taken between dismissal and an appeal hearing has been considerably reduced. This reduction in time taken was a key objective and we are confident that this represents a real improvement in our performance in this area.

5. Recommendations

- 5.1 That the Personnel Committee notes the annual report of employee relations activity and that of recent appeals hearings.

Amanda Beer
Director of Personnel & Development
Ext. 4136

Paul Royel
Head of Employment Strategy
Ext. 4608