

From: Bryan Sweetland - Cabinet Member for Communications, Engagement, People and Partnerships
Paul Royel - Director – HR & OD

To: Personnel Committee - 6th September 2022

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 31 March 2022.

Recommendation(s):

The Committee is asked to note the report of employee relations activity including senior officer appeals hearings and Employment Tribunal claims.

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 across the organisation. This report updates the Committee on the activity for the year 1 April 2021 – 31 March 2022.
- 1.2 The case activity reflects the range of ER cases our KCC Managers are managing and provides a review of case activity and trends over the last three years. Managers lead on performance management with the support of a range of management development interventions and tools. The HR & OD Team continue to take the lead in supporting Managers to confidently manage the range of increasingly complex employee relations cases with professional and robust advice.

2. Case Analysis

- 2.1 The overall case level has increased from last year and is more aligned to the 2019-20 levels and is set against the challenges of managing following the response phase of the COVID19 pandemic. Most of the case activity is managed within the AH Directorate (41%) and CY Directorates (39%) (Appendix 1).
- 2.2 Analysis of activity over the last three years shows the greatest volume of cases continues to be those concerning ill health (42%), and the number of cases being managed formally whilst increased from last year is similar to that

of 2019-20. This indicates that managers are continuing to address and manage absence on an informal basis, deploying the range of tools and supportive interventions available and accessing the support for staff through the health and wellbeing offer, and by formalising sickness cases where the informal approach has not been successful.

- 2.3 Analysis of the disciplinary cases, which make up 29% of the total case activity, shows a reduction year on year indicating that Managers are continuing to address issues through the appropriate channels and only progressing through the formal processes where necessary, with HR advice and support. The HR/OD team continue to provide training and guidance for Managers where there have been themes in misconduct cases, and this may also be reflected in the decrease in disciplinary cases over the three years.
- 2.4 The resolution case activity including those cases where there have been issues concerning bullying and harassment has also reduced during the last three years from a total of 49 to 29 indicating the informal stages and routes available through the Resolution Procedure are being successfully managed having a positive impact on the volume of cases requiring review through the formal procedures.
- 2.5 The case activity concerned with the management of performance continues to increase against the previous two years. It reflects the approach our managers are taking in addressing issues of performance formally where necessary and where informal performance management approaches have not been successful.
- 2.6 Analysis of the number of Employment Tribunal and Early Conciliation cases where claims are lodged against KCC, although showing an upward trend remain relatively low for an organisation of its size. The increase in part reflects the lack of progression of cases through the Tribunals. There are eight claims currently pending and during the year five have been settled, two withdrawn, one dismissed by the Tribunal, and one struck out. There have been thirteen Early Conciliation cases where discussions take place through ACAS.

3. Dismissal appeals heard by senior officers

- 3.1 Appeals against dismissal (other than in probation) are managed through HR and senior officers who are members of the Challenger Group are expected to sit on the appeal panel supported by Invicta Law and HR. Dismissal decisions are therefore independently reviewed by a range of senior officers from different Directorates.
- 3.2 From 1 April 2021 to 31 March 2022 seven appeals against dismissal were lodged, one of which was withdrawn and six were examined through the appeal process. Six appeals against dismissal were not upheld and one was not upheld but the summary dismissal was changed to a dismissal with notice.

Directorate	No. of Appeals	Case Type	Outcomes
Children, Young People & Education	4	4 x Gross Misconduct Dismissal	Appeal not upheld Appeal not upheld Appeal not upheld Appeal not upheld
Growth, Environment & Transport	1	Gross misconduct	Appeal not upheld but summary dismissal changed to with notice
Adult Social Care and Health	2	2 x Performance & Capability (Job requirements)	Appeal not upheld Appeal did not take place as dismissal decision withdrawn due to change in mandatory vaccination legislation
TOTAL	7		

4. Conclusions

The ER case activity overall, has remained broadly in line with previous years with a reduction in formal resolution cases, an increase in cases being formally managed through the Performance and Capability Procedure, and those being considered at the Employment Tribunal are taking some time to be concluded.

Recommendation(s):

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

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