

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

Paul Royel – Director HR & OD

To: Personnel Committee – 16 November 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 2022 to 30 September 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 disciplinary, 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 half year 1 April 2022 – 30 September 2022.

1.2 The report reflects the range of ER cases being managed by our KCC Managers and provides a review of the level of case activity and trends over the last three years. Management of performance is led by Managers with the support of a range of management development interventions and tools. The HR/OD Team take the lead in continuing to provide development and support to enable Managers to manage the increasingly complex employee relations cases confidently and proficiently, with professional advice.

2. Case Analysis

2.1 The overall level of cases being managed formally at this point in the year is broadly the same as last year but if the current level is replicated in the second half of the year, the case level for full year will be higher than last year. The highest proportion of cases have been managed within the CYPE (45%) and ASCH (34%) Directorates (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 (38%). The HR/OD Team continue to provide a range of health and wellbeing support and advice to enable Managers to be able to address issues concerning health at an early stage. Teams who have been identified to have a particularly high level of absence are supported with a range of targeted interventions. Case data indicates that managers are continuing to take a proactive approach in formalising the process when informal support has not been successful.

- 2.3 Analysis of the disciplinary cases, which make up 30% of the total case activity, like the ill health cases suggest the potential for there being a higher number of cases than the previous year if current levels continue throughout the year. This indicates managers are taking a robust approach to managing conduct cases where necessary with HR advice and support.
- 2.4 Resolution cases which represent 6% of all case activity are at a slightly higher level than last year at the half year point where the case level was 13. Those resolution cases concerning bullying and harassment are at a similar level to last year and represent 3% of the total of all cases. Case levels indicate these types of cases are being managed with Managers taking a proactive approach where there is a need for a formal review.
- 2.5 The proportion of case activity concerned with the formal management of performance remains at similar levels as the previous two years (12%) but on current case levels shows the potential to be higher overall in the year. The HR/OD Team continue to advise and support Managers in addressing performance concerns and where necessary through formal performance management procedures where informal interventions have not been successful.
- 2.6 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 increased level in part reflects the lack of progression of cases through the Tribunals. There are currently five claims pending, six have been settled and one withdrawn. There have been thirteen Early Conciliation cases where discussions take place through ACAS in advance of an Employment Tribunal claims being submitted.

3. Dismissal appeals heard by senior officers

- 3.1 Appeals against dismissal (other than in probation) are managed through HR/OD 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 with legal and HR advice.
- 3.2 From 1 April 2022 to 30 September 2022 there have been two appeals against dismissal which were examined through the appeal process. One appeal was upheld, and one not upheld.

Adult Social Care and Health	1	1 x Conduct	Appeal upheld
Children young People & Education	1	1 x Conduct	Appeal not upheld
TOTAL	2		

4. Conclusions

The ER case activity overall, has remained broadly in line with previous years and analysis shows there are no major upward trends. Those cases 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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