

From: Peter Oakford, Deputy Leader, and Cabinet Member for Finance,
Corporate and Traded Services

Paul Royel – Director HR & OD

To: Personnel Committee – 12 June 2024

Subject: Employee Relations Casework Activity

Classification: Unrestricted

Summary: This report updates Personnel Committee on employee relations case work activity for the period 1 April 2023 to 31 March 2024.

Recommendation:

The Committee is asked to note the report of Employee Relations (ER) 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 year 1 April 2023 – 31 March 2024.

1.2 The report reflects the range of ER cases being managed by our KCC Managers and provides a comparison of the level of case activity over the last three years. Management of performance is led by Managers and the HR/OD Team continue to develop interventions and tools available for reference and guidance. The HR/OD Team provide professional advice to enable Managers to manage complex ER cases confidently and proficiently.

2. Case Analysis

2.1 Overall, the total number of cases that were formally managed during year is slightly up from 2022/23, this is in line with what was identified in the half year report in January this year. The highest proportion of cases have been managed in the CYPE (43%) and ASCH (35%) Directorates (Appendix 1).

2.2 Analysis of activity over the last three years shows that the greatest volume of cases remains those which concern ill health (39%). During 2023/24 the HR/OD Team have continued work proactively with Managers in providing a range of health and wellbeing support and advice so that issues concerning health can be appropriately addressed 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 invoking the formal process when informal support has not been successful.

2.3 The data identifies that disciplinary cases make up 32% of the total case activity. The analysis of the case data indicates that Managers are continuing to take a robust approach to managing conduct cases where necessary with HR advice and support.

2.4 The data for 2023/24 identifies that there has been slight increase in the number of resolution cases, which represent 9% of all case activity. Similarly, there has also been a slight increase in resolution cases concerning bullying and harassment and these represent 3.5% of the total of all cases. Case levels indicate that there is proactive approach by Managers in managing these cases formally when it has not been possible to resolve them through informal means.

2.5 The proportion of case activity concerned with the formal management of performance remains at similar levels as the previous two years (10%). 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 There has been a reduction in the number of Employment Tribunal cases, where claims are lodged against KCC, for 2023/24. The number of cases is lower than it has been for each of the last three years. There were nine claims, four are currently pending, where hearing dates have been arranged for either 2024 or 2025, four were settled and one claim was unsuccessful due to being out of time.

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 2023 to 31 March 2024 there have been four appeals against dismissal which have been examined through the formal process. Of the four appeals, one was upheld and three were not upheld.

Children Young People & Education	4	3 x Conduct 1 x Conduct	Appeal not upheld Appeal upheld
TOTAL	4		

4. Conclusions

The ER case activity overall, has remained broadly in line with previous years and analysis shows there are no major upward trends. There has been a reduction in cases being considered at the Employment Tribunal.

5. Recommendation:

The Committee is asked to note the report of Employee Relations (ER) activity including senior officer appeals hearings and Employment Tribunal claims.

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