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To: Personnel Committee **Date:** 2 December 2010

Subject: Disciplinary and Grievance Activity

Classification: Unrestricted

SUMMARY: This report updates Personnel Committee on discipline and grievance activity for the first 6 months of 2010/11, including details of appeals.

1. Introduction

1.1 This report presents an update on a range of Employee Relations activity (excluding in schools) from April 2010 to September 2010, together with an indication of change from the previous 6 month update.

2. Activity for April to September 2010 – Additional Cases

2.1 In this period an additional 367 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 significant increase of approximately 40% in overall numbers from the previous 6 month period. There are still very few applications to Employment Tribunal, and less internal dismissal appeals.

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

ADDITIONS

Type of Cases	2010	2009/10
Disciplinary	87	(87)
Capability - Poor Performance	49	(27)
Capability - Ill Health	164	(96)
Capability – Other	6	(3)
Grievance	36	(22)
Harassment	11	(11)
ET	4	(2)
Appeals	10	(12)
Total	367	(260)

2.4 There is a broadly comparable level of activity in areas such as discipline, but capability and grievances have seen sizeable increases. Capability continues to represent the highest level of activity with ill health and performance the most notable. This is undoubtedly a reflection of the employment environment, but also a growing confidence in managers, supported by Personnel colleagues in tackling such issues.

3. Activity for April to September 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 April 2010.

RESOLVED		
Type of Cases	2010	2009/10
Disciplinary	95	(74)
Capability - Poor Performance	27	(27)
Capability - Ill Health	133	(97)
Capability - Other	12	(3)
Grievance	32	(18)
Harassment	17	(8)
ET	6	(4)
Appeals	18	(3)
Total	340	(234)

3.2 There has been a significant increase in the number of cases concluded in the same 6 month period. Many of the appeals are for either redundancy or lower levels of the disciplinary process, only 2 of which were against dismissal and are detailed in the next section of the report. It is perhaps not surprising that grievance activity has increased, at a time of some uncertainty and reorganization when we would expect higher levels of “challenge”. This however has not reached concerning levels and will in part be a reflection of well managed change and consultation.

4. Disciplinary Appeals

4.1 There have been only 2 dismissal appeals resolved in the 6 month period to September 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	1	1x 28 days	Case upheld
Chief Execs	0		
CFE	1	1x 40days	Case upheld
Communities	0		
EHW	0		
Totals	2		2x upheld

4.2 The number of appeals against dismissal, downgrading or transfer remains low. Senior Officer Appeals continue to be support by Legal Services, Corporate Employee Relations and Personnel Teams and their outcomes indicate they are scrutinizing challenged decisions.

4.3 Although only 2 cases in this 6 month period, the time between the dismissal decision and appeal hearing has been considerably reduced. As was previously indicated it was a key objective to achieve this 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.

Background documents: None

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