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To: Personnel Committee

Date: 16 May 2012

Subject: Disciplinary and Grievance Activity

Classification: Unrestricted

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**SUMMARY:** This report updates Personnel Committee on discipline, grievance and change activity for the period April 2011 to March 2012.

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## 1. Introduction

1.1 Personnel Committee has received six monthly reports on discipline and grievance activity for some time, providing an overview of the distribution of cases by directorate and type of issue. Since the last report for the last 6 months of financial year 2010/11 all directorates have restructured significantly. New figures in this report therefore refer to the newly formed directorates only.

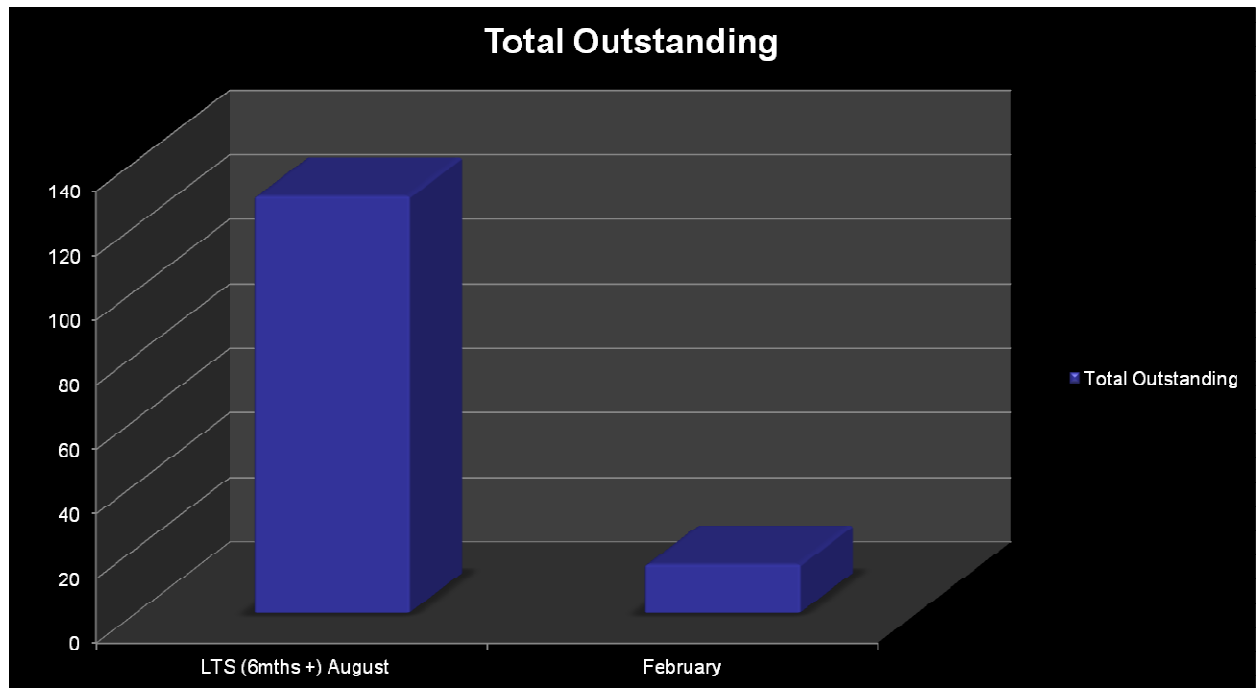
1.2 Also, as a result of the HR restructure, in July 2011 a new, centralised HR advisory service was created, bringing together 3 teams previously embedded in directorates. The new service comprises 3 teams, one specializing in case management (discipline, performance and staff complaints) and two delivering KCC's change programmes and other HR support for our managers.

1.3 With less HR resource and a greater focus on the KCC managers leading change and performance management successfully, the HR Advisory Team has taken a lead on raising standards and building managerial confidence in these two key areas of people management over the past 12 months. This has included a programme of awareness raising, webinar training and monitoring to generate positive management action.

## 2. New Cases

2.1 The greatest volume of new cases in the period is those concerned ill health. Over the last financial year the case management team has received 388 new cases which represent an increase of around a third on the previous financial year's figures. This does not reflect an increase in sickness levels however but a greater preparedness to address sickness absence at an earlier stage, thus a great number of cases being handled through formal channels.

- 2.2 As a result of the concerted efforts of the HR Advisory Team to further facilitate the reduction of long term absence, 63% of those off for six months or longer at the beginning of August 2011 are now back at work. (see table below.)



- 2.3 There has also been a slight rise in the number of disciplinary and performance cases overall between 2010 and 2011. Whilst this is not notable in terms of numbers it does reflect the fact that managers continue to address conduct and capability issues across the piece. Future reports to Personnel Committee can include more detailed analysis in terms of trends in these areas if required.
- 2.4 The number of grievance complaints has reduced in 2011/12 and a small but not significant rise in harassment cases can be seen. It would appear that despite the sustained efforts of managers to tackle conduct and capability issues there has not been an equivalent rise in the number of complaints originating from staff.
- 2.5 The numbers of Employment Tribunals against KCC remain relatively few for an organisation of its size. The majority of those heard against KCC are successfully defended, this is no small part attributable to the business focused, risk aware advice given by KCC's HR advisers, in liaison with Legal Services colleagues.
- 2.6 The summary below shows new cases referred over 4, 6 month periods over the last two financial years:

<b>New Cases</b>	<b>Period</b>	<b>Period</b>	<b>Period</b>	<b>Period</b>
	Apr-Sep 10	Oct-Mar 11	Apr-Sep 11	Oct-Mar 12
Discipline	87	88	106	84
Poor Performance	49	26	39	37
Ill Health	164	64	189	199
Capability (other)	6	5	2	7
Grievance	36	21	22	23
Harassment	11	7	13	11
Tribunals	4	3	6	2
<b>Total</b>	<b>357</b>	<b>214</b>	<b>377</b>	<b>363</b>

2.7 Although the volume of the activity in terms of numbers remains the same, the complexity of the cases referred to the HR Advisory team increases as line managers' confidence in handling lower level cases grows. Managers are becoming increasingly able to assess and deal with cases unaided and are beginning to seek HR support only with more challenging cases.

### 3. Cases Resolved

3.1 The summary below shows the cases closed over the last 4, 6 month periods. Overall the newly centralized team has managed to maintain a good rate of closing down cases despite a change in resourcing levels.

<b>Resolved Cases</b>	<b>Period</b>	<b>Period</b>	<b>Period</b>	<b>Period</b>
	Apr-Sep 10	Oct-Mar 11	Apr-Sep 11	Oct-Mar 12
Discipline	95	53	99	43
Poor Performance	27	18	36	20
Ill Health	133	86	142	74
Capability (other)	12	5	2	6
Grievance	32	24	19	17
Harassment	17	3	13	4
Tribunals	6	3	4	1
<b>Total</b>	<b>322</b>	<b>192</b>	<b>315</b>	<b>165</b>

3.2 The Kent Manager includes specific training in absence, discipline and performance management as well as sessions on handling staff complaints. These elements are delivered by the HR Advisory Team at present and underpin key messages about good management practice. As well as accessing these, the HR Advisory Team has been out to management teams in directorates to deliver similar messages.

### 4. Senior Officer Appeals

4.1 The administration of Senior Officer Appeals has been taken over by the HR Advisory Team which has resulted in greater efficiency. Appeals are now set up in advance and, with the support of the Challenger Group, the task of hearing appeals has been better distributed amongst senior managers across all directorates. At present, appeals are heard on average just over 33 days after they are submitted.

- 4.2 8 senior officer dismissal appeals were heard in 2011/12. The table below illustrates the distribution between directorates, case type and outcomes.

Directorate	No. of Appeals	Case Type	Outcome(s)
FSC	5	3 Capability 1 Some Other Substantial Reason (SOSR) 1 Discipline	3 Dismissals upheld 2 withdrawn
C&C	0		
ELS	1	SOSR	1 Dismissal overturned
E&E	2	2 Discipline	1 Dismissal upheld 1 Appeal withdrawn
BSS	0		
<b>TOTAL</b>	<b>8</b>		<b>4 Dismissals upheld</b> <b>3 Appeals withdrawn</b> <b>1 Dismissal overturned</b>

- 4.3 Only one case was overturned, resulting in the re-engagement of a member of staff who had been dismissed. These results endorse the quality of advice given and the robustness of the decisions made by dismissing managers.

## 5. Change Advisory Activity

- 5.1 Alongside the activity as described above, the HR Advisory Team has completed 74 change projects of varying magnitude since coming together as a centralized team. At April 2012, there remain 150 further projects to complete that reflect the volume of transformation, change and review taking place across KCC.

## 6. Recommendations

- 6.1 Personnel Committee notes the six monthly report of employee relations activity including senior office appeals hearings.

Background documents: None

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