

By: Director of Personnel & Development
To: Personnel Committee – 12 September 2007
Subject: Disciplinary and Grievance Activity
Classification: Unrestricted

SUMMARY: This report updates Personnel Committee on discipline and grievance activity over the past six months including details of appeals.

1. Introduction

- 1.1 Following previous reports to Personnel Committee, six monthly updates on a range of Employee Relations activity (excluding in schools) has been produced, together with an indication of change from the previous update.
- 1.2 The following report highlights the level of activity that has taken place over the six month period from October 2006 to March 2007.

2. Activity for October 2006 to March 2007 – Additional Cases

- 2.1 In the six months from October to March, 269 additional cases have been initiated. As has been previously noted, the nature and level of activity required varies considerably depending upon the circumstances of each individual case.
- 2.2 In comparison to the previous six months there has been a relatively large increase in overall numbers. Despite this, we have seen no new applications to Employment Tribunal. Although nationally there has been a reduction in the number of cases registered with the Tribunal system, considering our size as an employer and the level of activity that has taken place, it is significant that we have not been challenged.

- 2.3 The summary below shows cases initiated over the six month period, with the previous six months' equivalent figure in brackets:

ADDITIONS							
Type of Cases	Oct	Nov	Dec	Jan	Feb	Mar	Total
Disciplinary	7	6	11	9	15	21	69(54)
Capability - Poor Performance	3	1	3	3	7	5	22(26)
Capability - Ill Health	13	11	10	15	15	20	84(38)
Capability - Other	0	1	0	0	0	0	1 (2)
Grievance	4	14	4	2	4	5	33(29)
Harassment	1	6	5	2	2	2	18(12)
Reviews	4	1	0	3	21	9	38(17)
ET	0	0	0	0	0	0	0(0)
Appeals	0	2	1	0	1	0	4(3)
Total	32	42	34	34	65	62	269(181)

- 2.4 Two key areas, "Capability – Ill Health" and "Reviews", have seen proportionally greater increases over this period. "Reviews" are the number of employees registered as potentially at risk due to a change to their role, unit or section. Although this has risen to 38 from 17, considering the large employee population, and the number of changes constantly being undertaken throughout the authority, this would appear to be an indication of the organisation efficiently and effectively managing the impact of change.
- 2.5 The other considerable increase is in the management of ill health cases. This growth is generally distributed proportionately across each Directorate. and is almost certainly as a result of the organisation's commitment to the Health, Wellbeing and Attendance programme and specifically an improvement in the management of long term (over 28 days) absences.
- 2.6 It is difficult to establish reliable national or regional comparison figures for disciplinary and grievance cases. DLA Piper produced a workforce performance indicator scorecard for 2006 for non District Local Authorities, which included the numbers of applications to Tribunal, disciplinary cases and grievance cases per 1,000 employees (although it is believed that this indicator will not be included in the 2007 data collection). A comparison with KCC figures is shown in the table below.

	"Non District" average	KCC
Number of applications to tribunal per 1,000 employees p.a.	2.8	0
Number of disciplinary cases per 1,000 employees p.a.	11.7	11.1 (includes incapability – poor performance)
Number of grievance cases per 1,000 employees p.a.	5.1	4.2 (5.9 if harassment cases are included)

3. Activity for October 2006 to March 2007 – Cases Resolved

3.1 The following summary shows the cases that have been resolved in the six month period. This will not be corresponding cases from the previous summary as there is a “rolling effect” for such activity and some resolved cases will have been initiated before October 2006.

RESOLVED							
Type of Cases	Oct	Nov	Dec	Jan	Feb	Mar	Total
Disciplinary	15	9	15	8	8	14	69(39)
Capability - Poor Performance	10	0	7	0	3	5	25(9)
Capability - Ill Health	10	9	16	14	15	15	79(17)
Capability - Other	0	0	0	0	0	0	0(0)
Grievance	7	1	17	5	1	9	40(14)
Harassment	4	0	4	7	0	3	18(5)
Reviews	2	1	3	2	1	3	12(1)
ET	1	0	0	0	0	0	1(0)
Appeals	2	0	1	1	0	1	5(4)
Total	51	20	63	37	28	50	249(89)

3.2 There has been a substantial increase in resolved cases in the period and also an improved ratio to new cases, from 89:181 to 249:269.

3.3 The number of resolved Disciplinary cases has increased significantly. Most of the cases are from Kent Adult Social Services. As previously stated, ill health case management has grown and it is encouraging to see that there are a corresponding number of cases reaching a conclusion. All Directorates have cases in this category, though again the number concluded is proportionately greater in Kent Adult Social Services.

3.4 Also worthy of note is the number of grievances that have been resolved. Nearly three times as many cases have been dealt with and concluded than in the previous period.

4. Disciplinary Appeals

4.1 Since the last report in November 2006, there have been five further cases of appeals against dismissal or transfer/downgrading. The summary below outlines where these cases originated, the time taken from the original hearing to the appeal and the outcome of the appeal stage.

Directorate	No of Appeals	Time from dismissal to Appeal	Outcome(s)
Adult Services	4	1 x 16 weeks, 3x 8weeks	4 x case not upheld
Chief Executive	1	1 x 8 weeks	1 x complaint withdrawn
Children, Families and Education	0	0	0
Communities	0	0	0
		0	0
Totals	5	4x 8 weeks 1 x 16 weeks	4 x case not upheld 1 x withdrawn

- 4.2 Considering the level of activity, albeit that a relatively small proportion of cases do result in dismissal, the number of appeals remains low. It is also encouraging that even under such scrutiny decisions have been upheld as both procedurally correct and fair in the circumstances.
- 4.3 Compared to the previous six months activity, the average time taken between dismissal and appeal hearing taking place has been further reduced from 10 weeks to 9.5 weeks. There are a variety of reasons for delays but considering documentation production, exchange, organisation of diaries and the hearing, such an average is felt to be reasonable.

5. Recommendations

- 5.1 That the Personnel Committee notes the six monthly report of employee relations activity and that of recent appeals hearings.

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