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To: Personnel Committee

Date: 28 January 2015

Subject: Disciplinary & Grievance Activity

Classification: Unrestricted

SUMMARY: This report updates Personnel Committee on employee case work activity for the period 2013-14.

1. INTRODUCTION

- 1.1 Personnel Committee has previously received reports on discipline, capability and grievance activity which provided an overview of the distribution of cases. This report updates the Committee on the current figures and their comparison to the previous year.
- 1.2 The figures are provided in the context of there being increasingly less HR resource and a greater focus on KCC managers leading performance management successfully. The case team part of the HR Advisory Team (HRAT) has taken a lead in working with managers to raise standards and their confidence in managing employee relations.

2. CASE ANALYSIS

- 2.1 The greatest volume of cases for the years ending March 2013 and March 2014 are those concerning ill health (Appendix 1) although there has been a fall in this type of case of 42% over the year. This continuing high number of cases does not reflect greater levels of ill health but is indicative of managers addressing sickness absence at an early stage. This preparedness to manage sickness absence is shown in the continuing reduction in the levels of sickness absence throughout the Council – over this period sickness absence reduced from 7.38 to 6.84 days per year. Also, since April 2013, the HRAT Case Team has undertaken a lot of work in supporting and skilling up managers to ensure that they can deal with these type of cases effectively at the informal stage. This means that these cases are less likely to require recourse to using the formal procedure.
- 2.2 The number of disciplinary cases has fallen by about 30%. The overall number of cases shows that managers are dealing with misconduct when it arises. The level of grievance and harassment activity in 2013/14 is similar to the previous year.

- 2.3 The number of Employment Tribunal cases against KCC remains relatively few for an organisation of its size. Of the claims that went to tribunal only 4 were heard by an Employment Judge (two are still outstanding) of which KCC was successful in all but one of the cases. This is in no small part attributable to the business focused, risk aware advice given by KCC's HR Advisers in liaison with their Legal Services colleagues.
- 2.4 It is important that the cases discussed in this paper are managed in a timely fashion. This ensures that:
- Procedural timescales are met
 - Employees have a resolution in a suitable timescale, and
 - Managers can begin to move beyond the issues at hand in a timely fashion
- 2.5 Analysis of the length of time it takes to complete each type of case shows that the percentage of capability ill health cases that take over 12 weeks is 66%, which is an increase of 15% on the previous year. These type of cases and the length of time they take are sensitive to the type of condition people are suffering. The increase in cases recorded is due to the number of people who have been suffering severe and chronic illnesses, particularly cancer.
- 2.6 There has been a 6% increase (to 55%) in the percentage of disciplinary cases that take over 12 weeks. Analysis shows that there is a significant percentage of these cases (40%) where people are becoming sick during proceedings. This impacts on timescales as the employee's ability to engage with the process has to be assessed (including referrals to Occupational Health) and managed accordingly and sensitively.
- 2.7 The percentage of grievances resolved in less than 4 weeks has increased by 6% to 45%. The number taking more than 12 weeks has reduced by 3% to 14% (or 8 cases).

3. SENIOR OFFICER APPEALS

- 3.1 Appeals against dismissal are managed through HR and they are arranged with the support of the Challenger Group, which has resulted in this task being better distributed across the management population.
- 3.2 8 senior officer dismissal appeals were heard in 2013/14, which was a reduction of nearly 40% on the number from the previous year. The table below illustrates the distribution between directorates, case type and outcomes.

Directorate	No. of Appeals	Case Type	Outcomes
FSC	6	3 conduct 3 capability	6 dismissals upheld
C&C	1	1 conduct	1 downgrading upheld
BSS	1	1 conduct	1 dismissal upheld
TOTAL	8		7 dismissals 1 downgrading

Please note that the old Directorate names are used as these figures apply to the year 2103/14 before the introduction of the new directorate structure.

4. RECOMMENDATIONS

- a) Personnel Committee notes the report of employee relations activity including senior officer appeals hearings.

Background Documents - none

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