

**By:** Gary Cooke – Cabinet Member for Corporate & Democratic Services  
Amanda Beer - Corporate Director – Engagement, Organisation Design and Development

**To:** Personnel Committee

**Date:** 12 June 2015

**Subject:** Disciplinary & Grievance Activity

**Classification:** **Unrestricted**

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**SUMMARY:** This report updates Personnel Committee on employee case work activity for the period 2014-15.

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## **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 decreasing levels of HR resource and a greater focus on KCC managers leading performance management successfully. The case team, part of the HR Advisory Team (HRAT), continues to take a lead 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 2014 and March 2015 are those concerning ill health (Appendix 1). There has been a slight fall of 3% in this type of case 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. Throughout 2014/15 the HRAT Case Team has continued to support and up skill managers to ensure that they can deal with this type of case effectively at the informal stage. This means that these cases are less likely to require recourse to formal procedure.
- 2.2 The number of disciplinary cases is similar to the previous year. The level of grievance and harassment activity in 2014/15 has fallen by 22%. This decrease is indicative of managers resorting to formal procedures less often and attempting to resolve matters without the need for grievance hearings. In February 2015 the Council replaced its grievance and harassment policy and

procedures with a resolution policy. Future updates to Committee will report on the activity associated with this policy and procedure.

- 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 6 were heard by an Employment Judge (two are still outstanding) and 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 49%, which is a decrease of 17% on the previous year. This type of case and the length of time they take are sensitive to the type of condition people are suffering. Therefore the year on year comparison may be affected by the illnesses people have as well as the appropriate management of cases.
- 2.6 There has been a 17% decrease (to 38%) in the percentage of disciplinary cases that take over 12 weeks. The length of time taken is invariably informed by the nature and complexity of cases. The decrease in time taken has been helped by managing delays accordingly that arise due to people becoming ill during the disciplinary process.
- 2.7 The percentage of grievances resolved in less than 4 weeks has fallen slightly by 3% to 42%. The number taking more than 12 weeks has increased by 20% to 35% (or 15 cases). This rise is due to a number of factors including people progressing their grievances through the different stages of the procedure, the level of investigation required and the availability of the aggrieved, due to personal circumstances, to participate in the process.

### **3. DISMISSAL APPEALS HEARD BY SENIOR OFFICERS**

- 3.1 Appeals against dismissal are managed through HR and arranged with the support of the Challenger Group, which has resulted in this task being better distributed across the management population.
- 3.2 3 dismissal appeals were heard by senior officers in 2014/15, which was a reduction of nearly 60% on the number from the previous year. The table below illustrates the distribution between directorates, case type and outcomes.

<b>Directorate</b>	<b>No. of Appeals</b>	<b>Case Type</b>	<b>Outcomes</b>
<b>Social Care, Health &amp; Wellbeing</b>	1	1 conduct	dismissal upheld
<b>Strategic &amp; Corporate Services</b>	2	1 conduct 1 capability	2 dismissals upheld
<b>TOTAL</b>	3		3 dismissals

#### **4. RECOMMENDATIONS**

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

**Ian Allwright**  
**Employment Policy Manager**  
**Ext 4418**