

By: Deputy Leader of the Council and
Director of Personnel & Development

To: Personnel Committee – 16 May 2008

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 This report describes employee relations activity over the period Oct 07 – Mar 08 and compares activity in the previous 6 month period. ER activity for the purposes of this report includes those involving the disciplinary, grievance, harassment, capability procedures, dismissal appeals, restructuring exercises and tribunal activity. It does not include all aspects of P & D advisory activity.

2. Activity for October 2007 to March 2008 – Additional ER Cases

2.1 An additional 367 cases have been added to the caseload for Personnel & Development in this period. The nature and level of activity required of P&D varies considerably depending upon the circumstances.

2.2 There has been a significant increase in the volume of cases reported, over 30%, compared with the previous reporting period. There has also been a rise in the number of tribunal claims although this still remains at a very low level considering the number of cases that are active at any given time and takes no account of the legitimacy and merits of the applications made.

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

ADDITIONS							
Type of Cases	Oct	Nov	Dec	Jan	Feb	Mar	Total
Disciplinary	21	20	11	13	12	10	87(69)
Capability - Poor Performance	4	1	2	5	3	4	19(22)
Capability - Ill Health	19	17	35	14	50	29	164(84)
Capability - Other	1	1	0	0	0	0	2(1)
Grievance	8	3	6	10	5	5	37(33)
Harassment	7	5	0	1	5	5	23(18)
Reviews	2	1	5	1	5	4	18(38)
ET	1	2	2	4	0	1	10(0)
Appeals	2	2	1	0	0	2	7(4)
Total	65	52	62	48	80	60	367(269)

- 2.4 Generally there has been an increase in most categories of activity, though most notably in “Capability – Ill Health”. This will have been considerably influenced by the organisation’s commitment to the Health, Wellbeing and Attendance Action Plan, one of the aims of which is to improve the way KCC managers handle absence. The majority of the new activity is taking place in the Communities Directorate where there has been significant investment in training managers and intensive Personnel support.
- 2.5 As reported last year the legal company DLA Piper produced a workforce performance indicator scorecard for 2006 for non District Local Authorities that included the numbers of applications to Tribunal, disciplinary cases and grievance cases per 1,000 employees. This indicator will not be included in the 2007 data collection therefore there is no new average available to compare our level of activity with other organisations. A comparison with KCC figures is shown in the table below using the existing average.

	“Non District” average	KCC
Number of applications to tribunal per 1,000 employees p.a.	2.8	0.7
Number of disciplinary cases per 1,000 employees p.a.	11.7	19.4 (includes incapability – poor performance)
Number of grievance cases per 1,000 employees p.a.	5.1	2.6 (4.2 if harassment cases are included)

3. Activity for October 2007 to March 2008 – Cases Resolved

- 3.1 The following summary shows resolved cases in this six month period. It should be noted that on-going cases (i.e., started in the previous 6 months) are included in the figures.

RESOLVED							
Type of Cases	Oct	Nov	Dec	Jan	Feb	Mar	Total
Disciplinary	15	10	15	10	15	9	74(69)
Capability - Poor Performance	6	11	5	2	4	6	34(25)
Capability - Ill Health	27	30	20	13	22	35	147(79)
Capability – Other	0	2	0	0	1	0	3(0)
Grievance	6	5	5	4	7	3	30(40)
Harassment	2	4	1	7	1	2	17(18)
Reviews	27	12	1	1	3	4	48(12)
ET	0	0	0	1	0	0	1(1)
Appeals	1	2	0	1	1	1	6(5)
Total	84	76	47	39	54	60	360(249)

3.2 As with additional cases, there has been a substantial increase in the number of resolved cases in the period.

3.3 The highest proportion of resolved cases is in Communities and relate to the resolution of ill health cases. However there have been increases in the number of disciplinary and poor performance cases brought to a conclusion in the last 6 months.

4. Disciplinary Appeals

4.1 Since the last report in September 2007, there have been six further cases of appeals against dismissal or transfer/downgrading. The summary below outlines shows 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)
Kent Adult Social Services	0	0	0
Chief Executive	2	1 x 2 months, 1x 6 months	1 x resigned, 1 x dismissal
Children, Families and Education	2	1 x 2 weeks, 1 x 1 month	2 x dismissals
Communities	2	1 x 1 month, 1 x 2 months	2 x dismissals
		0	0
Totals	6	1x 2 weeks 2 x 4 weeks 2 x 8 weeks 1 x 26 weeks	5 x dismissals 1 x resigned

- 4.2 Considering the increase of activity overall, there has not been a proportionate increase in the number of appeals. 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 we have again been able to reduce the time taken from dismissal to the appeal hearing. This is now down to an average of 8.6 weeks from 9.5 weeks. There continue to be challenges associated with these appeals but the reduction in the time taken to hear them represents a continued improvement.

5. Recommendations

- 5.1 Personnel Committee notes the six monthly report of employee relations activity.

Amanda Beer
Director of Personnel & Development
Ext. 4136

Alex King
Deputy Leader of the Council
Ext. 4335

Paul Royel
Employment Strategy Manager
Ext. 4608