

**By:** Eric Hotson – Cabinet Member for Corporate & Democratic Services  
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**To:** Personnel Committee

**Date:** 12 June 2018

**Subject:** Employee Relations Casework Activity

**Classification:** **Unrestricted**

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**SUMMARY:** This report updates Personnel Committee on employee relations case work activity for the period 1 April 2017 to 31 March 2018.

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## **1. INTRODUCTION**

- 1.1 Personnel Committee continues to receive reports on discipline, capability and resolution activity which provides an overview of the distribution of cases. This report updates the Committee on the full year figures for 2017-18.
- 1.2 The figures are provided in the context of there being fewer HR resources and a greater focus on KCC managers leading performance management successfully. The HR Team continues to take 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, in the year, are those concerning ill health (Appendix 1). However, this level of activity has reduced during the year and there are now fewer ill health cases than in 2016-17. This reflects the work that managers and HR do to help manage the impact of potential long term ill health cases and manage the impact of frequent short-term absences by addressing absence at an early stage. The HR Team has continued to support and develop management capability to ensure that managers can deal with these types 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 and poor performance cases have both reduced slightly from 2016 -17. This is indicative of managers continuing to take the initiative in managing performance robustly. The total number of Resolution cases are also lower than the previous year which will be influenced by managers being encouraged to deal with matters before the individual needs to seek redress through a formal procedure.

- 2.3 The number of Employment Tribunal cases against KCC remains relatively few for an organisation of its size and despite the removal of the requirement for an individual to pay a fee to lodge an ET application, the number has reduced from 2016 -17. Of the 7 claims between April 2017 and March 2018 2 were withdrawn, 1 was settled before the hearing, 1 was struck out and 3 are still outstanding. 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 and our robust processes and as a result when we are formally challenged the vast majority of cases are successfully defended.

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

- 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 9 dismissal appeals were heard by senior officers between 1 April 2017 and 31 March 2018.

<b>Directorate</b>	<b>No. of Appeals</b>	<b>Case Type</b>	<b>Outcomes</b>
<b>Children, Young People &amp; Education</b>	4	4 conduct	1 dismissal not upheld 2 dismissals upheld 1 appeal withdrawn
<b>Adult Social Care &amp; Health</b>	4	3 conduct 1 performance	3 dismissals upheld 1 settled before the hearing
<b>Growth, Environment &amp; Transport</b>	1	1 conduct	dismissal upheld
<b>TOTAL</b>	9		

3.3 As requested at a previous Personnel Committee, we have conducted a “deep Dive” review into the timeline and process of a disciplinary case which resulted in dismissal and appeal against dismissal. Whilst circumstances alter from case to case it is indicative of the stages in the necessary process (Appendix 2).

### **4. RECOMMENDATIONS**

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

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**Background documents: None**