

**From: Shellina Prendergast – Cabinet Member for Communications, Engagement & People
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To: Personnel Committee – 10 November 2020

Subject: Employee Relations Casework Activity

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: None

Electoral Division: All Divisions

Summary: This report updates Personnel Committee on employee relations case work activity for the period 1 April 2020 to 30 September 2020.

Recommendation(s):

The committee is asked to note the report of employee relations activity including senior officer appeals hearings.

1. Introduction

- 1.1 Personnel Committee are provided with an update on the numbers of discipline, capability, resolution, and Employment Tribunal cases to provide an overview of the level of activity and distribution of cases. This report updates the Committee on the activity for the first half of the year 1 April 2020 – 30 September 2020.
- 1.2 This case activity reflects the continued investment in leadership and management development for our KCC managers to support their accountability and expertise in being able to effectively performance manage staff. Managers are provided with a range of development interventions and targeted case management support to assist them in managing wellbeing, performance, resolutions, and conduct issues. Our health and wellbeing offer is now embedded and there is continued focus on early intervention through on-going conversations with staff to be able to identify and address any issues at an early stage.

2. Case Analysis

- 2.1 Analysis of activity is set against the challenges of managing cases in the context of the response and recovery phase of the COVID19 pandemic. Initially some conduct case activity was paused to allow for adjustments to be made to manage activity sensitively but appropriately. As in previous years, ill health cases make up the greatest volume of cases (Appendix 1). The physical and mental health and wellbeing of staff continues to be a key priority and the HR/OD Team provide advice

and support to managers in the management of cases concerning ill health. Interventions and tools are in place for managers to support the wellbeing of staff and advice, where it is necessary, to formalise the management of sickness absence where informal actions and support has been unsuccessful.

- 2.2 Analysis of the half year disciplinary case activity shows that the level of conduct cases has remained relatively stable indicating Managers are able to identify issues at an early stage and are taking steps to address this type of case through the appropriate channels with HR support and advice.
- 2.3 The overall resolution case activity is at a reduced level so far this year and indicates the successful management of these types of cases through informal channels with Managers taking a proactive approach at an early stage.
- 2.4 Case activity concerned with the management of performance is much like the previous year and reflects the successful application of informal performance management and the continued focus on the conversational practice approach.
- 2.5 The number of Employment Tribunal and Early Conciliation cases against KCC whilst showing slight increase in level remains relatively low for an organisation of its size. The increased number is to be expected given there has been a significant reduction in the number of cases being progressed through the Tribunals with hearings being delayed. There are 11 claims pending and a further 8 at Early Conciliation stage at which discussions are taking place through ACAS.

3. Dismissal appeals heard by senior officers

- 3.1 Appeals against dismissal (other than staff in probation) are managed through HR and members of the Senior Management Group are expected to sit on the appeal panel supported by Invicta Law and HR. Appeal decisions are therefore taken by a range of senior officers.
- 3.2 From 1 April 2020 to 30 September 2020, three dismissal appeals were heard. The table below illustrates the distribution of cases between Directorates, case type and outcomes. Three appeals were unsuccessful.

Directorate	No. of Appeals	Case Type	Outcomes
Growth, Environment & Transport	1	1 x Performance & Capability dismissal	Appeal not upheld
Adult Social Care and Health	2	2 x Disciplinary Dismissal	Appeal not upheld Appeal not Upheld
TOTAL	3		

4. Financial Implications

4.1 There are no direct and specific financial implications covered.

5. Legal implications

5.1 All formal cases are managed with HR advice at the appropriate points and legal advice where KCC responds to Employment Tribunal applications. All activity is undertaken within statutory employment legislation.

6. Equalities implications

6.1 Equalities monitoring of case activity is undertaken.

7. Other corporate implications

7.1 None.

8. Governance

8.1 Delegations for dismissal rights and issuing sanctions are set out and applied in the management of case activity.

9. Conclusions

9.1 Employee Relations case activity, whilst set against the response and recovery phase of the COVID19 pandemic for the first half of the year, continues at levels similar to previous years, with a slight increase in Employment Tribunal claims as cases have not been progressed at the Tribunals.

Recommendation(s):

Personnel Committee is asked to note the report of employee relations activity including senior officer appeals hearings.

10. Background Documents

None.

11. Contact details

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