

**From: Shellina Prendergast - Cabinet Member for Communications & People**  
**Paul Royel – Director HR & OD**

**To: Personnel Committee - 15 June 2023**

**Subject: Employee Relations Casework Activity**

**Classification: Unrestricted**

**Summary:** This report updates Personnel Committee on employee relations case work activity for the period 1 April 2022 to 31 March 2023.

**Recommendation(s):**

Personnel Committee is asked to note the Employee Relations Activity report including senior office appeals hearings and Employment Tribunal Claims.

## **1. Introduction**

- 1.1 Personnel Committee is provided with an update on the numbers of disciplinary, capability, resolution, and Employment Tribunal cases to provide an overview of the level and distribution of case activity. This report updates the Committee on the numbers of cases for the year 1 April 2022 – 31 March 2023.
- 1.2 The report provides a breakdown of the types and numbers of cases being managed by our KCC Managers and provides comparative data for the previous two years. Managers lead on the management of performance and capability with the support of a range of management development interventions and tools to assist when there are performance concerns. The HR & OD Team lead in providing development interventions and professional advice to enable Managers to manage the increasingly complex employee relations cases.

## **2. Case Analysis**

- 2.1 Overall, the total number of cases being managed formally throughout the year is at a similar level to the previous two years. The highest proportion of cases have been managed within the CYPE (46%) and ASCH (33%) Directorates (Appendix 1).
- 2.2 Analysis of activity over the last three years shows the greatest volume of cases continues to be those concerning ill health (38%). Managers are supported in their management of these types of case by the HR & OD Team. A range of health and wellbeing support and advice continues to be developed

and is provided so Managers can identify issues concerning health at an early stage. Teams who have been identified to have a particularly high level of absence are supported with targeted interventions to review where improvements can be made, and issues addressed. Data on the formal number of cases indicates that managers are taking a proactive approach in invoking formal processes when informal support has not been successful.

- 2.3 Disciplinary cases, make up 30% of the total case activity, and analysis of the data suggests managers are taking a firm approach to addressing issues of conduct where necessary with HR advice and support.
- 2.4 Analysis shows a slight increase in the number of resolution cases which represents 10% of all case activity. Resolution cases concerning bullying and harassment are at a similar level to the last two years and represent less than 3% of the total of all cases. Case levels indicate Managers are taking a proactive approach in managing these cases formally where the informal stages have been exhausted.
- 2.5 The proportion of case activity concerned with the formal management of performance is consistent with levels in previous years (11%) The HR & OD Team continue to advise and support Managers in addressing performance concerns and where necessary through formal performance management procedures where informal interventions have not been successful.
- 2.6 The number of Employment Tribunal and Early Conciliation cases where claims are lodged against KCC, although showing an upward trend remain relatively low for an organisation of our size. The increased level in part reflects the lack of progression of cases through the Tribunals and more claims are being submitted by current employees. There are five claims currently pending, and fifteen have been resolved, either by withdrawal or settlement. There have been five notifications from ACAS of Early Conciliation cases where discussions take place through ACAS in advance of an Employment Tribunal claims being submitted. Notification does not always take place and claims are often progressed directly to an Employment Tribunal.

### **3. Dismissal appeals heard by senior officers**

- 3.1 Appeals against dismissal (other than in probation) are managed through HR & OD and senior officers who are members of the Challenger Group are expected to sit on the appeal panel supported by Invicta Law and HR. Appeals against dismissal and transfer/downgrading decisions are therefore independently reviewed by senior officers with legal and HR advice.
- 3.2 From 1 April 2022 to 31 March 2023 there have been six appeals against dismissal which have been examined through the appeal process. Three appeals were upheld, and three not upheld.

<b>Adult Social Care and Health</b>	<b>2</b>	1 x Conduct  1x Conduct	Appeal upheld.  Appeal not upheld.
<b>Children young People &amp; Education</b>	<b>4</b>	1 x Conduct  1 x Capability  1x Conduct  1 x Conduct	Appeal not upheld.  Appeal upheld. – employee resigned.  Appeal upheld.  Appeal not upheld.
<b>TOTAL</b>	<b>6</b>		

#### 4. Case review

As requested by Members, Appendix 2 provides an illustration of a case, the process and stages undertaken leading up to the dismissal appeal which will be discussed in more detail at the meeting.

#### 5. Conclusions

The ER case activity overall, has remained broadly in line with previous years and analysis shows there are no major upward trends.

#### **Recommendation(s):**

Personnel Committee is asked to note the Employee Relations Activity report including senior office appeals hearings and Employment Tribunal Claims.

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