

From: Peter Oakford, Deputy Leader, and Cabinet Member for Finance,
Corporate and Traded Services

Paul Royel – Director HR & OD

To: Personnel Committee - 23 January 2024

Subject: Employee Relations Casework Activity

Classification: Unrestricted

Summary: This report updates Personnel Committee on employee relations case work activity for the period 1 April 2023 to 30 September 2023.

Recommendation:

The Committee is asked to note the report of Employee Relations (ER) activity including senior officer appeals hearings and Employment Tribunal claims.

1. Introduction

1.1 Personnel Committee are provided with an update on the numbers of disciplinary, 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 half year 1 April 2023 – 30 September 2023.

1.2 The report reflects the range of ER cases being managed by our KCC Managers and provides a comparison of the level of case activity over the last three years. Management of performance is led by Managers and the HR/OD Team continue to develop interventions and tools available for reference and guidance. The HR/OD Team provide professional advice to enable Managers to manage complex ER cases confidently and proficiently.

2. Case Analysis

2.1 The overall level of cases being formally managed at this stage in the year is slightly up from the same period in 2022. If the current level of case activity is replicated during the second half of the year, the case activity for 2023/24 will be higher than in 2022/23. The highest proportion of cases during the period April to September 2023 have been managed in the CYPE (44%) and ASCH (33%) Directorates (Appendix 1).

2.2 Analysis of activity over the last three years shows that the greatest volume of cases remains those which concern ill health (37%). The HR/OD Team continue to provide a range of health and wellbeing support and advice to enable Managers to be able to address issues concerning health at an early stage. Teams who have been identified to have a particularly high level of absence are supported with a range of targeted interventions. Case data indicates that Managers are continuing to

take a proactive approach in formalising the process when informal support has not been successful.

2.3 Analysis of the disciplinary cases, which make up 33% of the total case activity, suggest, as with the ill health cases, if current levels continue for the remainder of the year, there is potential for there being a higher number of cases than in 2022/23. This indicates Managers are taking a robust approach to managing conduct cases where necessary with HR advice and support.

2.4 Resolution cases, which represent 9% of all case activity, are at a higher level than during the same period in 2022. Those resolution cases concerning bullying and harassment are at a similar level to the same period in 2022 and represent less than 3% of the total of all cases. Case levels indicate these types of cases are being managed with Managers taking a proactive approach where there is a need for a formal review.

2.5 The proportion of case activity concerned with the formal management of performance remains at similar levels as the previous two years (12%) but on current case levels shows the potential to be higher overall in 2023/24. 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 There has been a reduction in the number of Employment Tribunal cases, where claims are lodged against KCC, in the first half of the 2023/24 year. There are six claims currently pending, where hearing dates have been arranged for 2024.

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. Dismissal decisions are therefore independently reviewed by a range of senior officers with legal and HR advice.

3.2 From 1 April 2023 to 30 September 2023 there have been two appeals against dismissal which have been examined through the formal process. Of the two appeals, one was upheld and the other was not upheld. There are two further appeals scheduled for hearing next month.

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|--|----------|-------------|-------------------|
| | | | |
| Children Young People & Education | 4 | 1 x Conduct | Appeal not upheld |
| | | 2 x Conduct | Yet to be heard |
| | | 1 x Conduct | Appeal upheld |
| TOTAL | 4 | | |

4. Conclusions

The ER case activity overall, has remained broadly in line with previous years and analysis shows there are no major upward trends. There has been a reduction in cases being considered at the Employment Tribunal.

5. Recommendation:

The Committee is asked to note the report of Employee Relations (ER) activity including senior officer appeals hearings and Employment Tribunal claims.

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