



POLICY AND RESOURCES SCRUTINY COMMITTEE – 5TH MARCH 2013

**SUBJECT: EMPLOYEE RELATIONS ACTIVITY 2011/12 AND 2012/13
(UP TO 31 DECEMBER 2012)**

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to provide Scrutiny members with the details of employee relations activity across the Council for 2011/12 and 2012/13 (up to 31 December 2012).

2. SUMMARY

- 2.1 The report provides an overview of the volume of formal disciplinary (including managing attendance), grievance, and Employment Tribunal cases per Directorate and the outcome. Members will note from the report that there has been an increase in the general number of cases being progressed through our processes.

3. LINKS TO STRATEGY

- 3.1 In line with the Council's People Management Strategy, the core HR policies and procedures set a framework within which Managers / Head Teachers operate and define how employees can expect to be treated.

4. THE REPORT

- 4.1 The Council's HR Policies and Procedures are designed to help and encourage all Council employees to achieve and maintain standards of conduct, behaviour and performance in the workplace that is expected of Local Government employees. In addition, they have been set out to ensure that all employees are treated in a fair, consistent and non-discriminatory manner
- 4.2 The following tables provide the total number of formal cases that were implemented per Directorate in 2011/12 and for the first three quarters of 2012/13, in accordance with the Council's Disciplinary and Grievance Procedures. For the purposes of this report, Managing Attendance cases are reported as Disciplinary matters and Leisure is reported with the Directorate of Education for 2011/12 and with the Directorate of the Environment for 2012/13.

4.2.1 2011/12

	Disciplinary Conduct	Disciplinary Managing Sickness Absence	Disciplinary Underperformance	Grievance	Total
Corporate Services	17	6	0	4	27
Education & Leisure	48	19	0	8	75
Environment	43	3	0	12	58
Social Services	10	13	0	5	28
Total	118	41	0	29	188

4.2.2 2012/13 (up to 31 December 2012)

	Disciplinary Conduct	Disciplinary Managing Sickness Absence	Disciplinary Underperformance	Grievance	Total
Corporate Services	12	1	0	2	15
Education	41	7	1	5	54
Environment & Leisure	68	16	1	9*	94
Social Services	16	5	2	2	25
Total	137	29	4	18	188

* includes 1 collective grievance on behalf of 41 members of staff

4.2.3 This data is being monitored through the Council's performance management system (Ffynnon), and is reported on a quarterly basis.

4.3 The following tables confirm the number of Employment Tribunal applications per Directorate that were received in 2011/12 and for the first three quarters of 2012/13.

4.3.1 2011/12

	ET applications
Corporate Services	2
Education & Leisure	3
Environment	3
Social Services	0
Total	8

4.3.2 2012/13 (up to 31 December 2012)

	ET applications
Corporate Services	1
Education	5
Environment & Leisure	7
Social Services	7
Total	20

4.4 The tables below provide the outcome per Disciplinary investigation in accordance with the categories determined in tables at 4.2.1 and 4.2.2.

4.4.1 Disciplinary Conduct 2011/12

	No Further Action	Counselling	Verbal Warning	Written Warning	Final Written Warning	Dismissal	Demotion / Transfer	Employee Resigned	Still Open
Corporate Services	2	0	0	8	0	5	0	2	0
Education & Leisure	9	7	3	6	2	5	0	3	13
Environment	1	10	0	19	7	5	0	1	0
Social Services	1	0	0	2	3	3	0	1	0
Total	13	17	3	35	12	18	0	7	13

4.4.2 2012/13 (up to 31 December 2012)

	No Further Action	Counselling	Verbal Warning	Written Warning	Final Written Warning	Dismissal	Demotion / Transfer	Employee Resigned	Still Open
Corporate Services	1	0	0	1	1	4	0	2	3
Education	7	0	3	4	4	1	0	3	12
Environment & Leisure	8	17	0	14	17	4	0	3	5
Social Services	2	0	0	2	0	3	0	1	8
Total	18	17	3	21	22	12	0	9	35

4.4.6 Disciplinary Underperformance 2012/13 (up to 31 December 2012)

	No Further Action	Counselling	Verbal Warning	Written Warning	Final Written Warning	Dismissal	Demotion / Transfer	Employee Resigned	Still Open
Corporate Services	0	0	0	0	0	0	0	0	0
Education	0	0	0	1	0	0	0	0	0
Environment & Leisure	1	0	0	0	0	0	0	0	0
Social Services	0	0	0	0	0	2	0	0	0
Total	1	0	0	1	0	2	0	0	0

4.5 Underperformance remains an area that requires further work as the figures presented do appear low for an organisation of our size. Further work will need to be undertaken with Managers to address this.

4.6 The following tables provide the outcome per Grievance investigation in accordance with the table at 4.2

4.6.1 2011/12

	Withdrawn	Not Upheld	Upheld	Ongoing
Corporate Services	2	0	2	0
Education & Leisure	1	6	1	0
Environment	1	11	0	0
Social Services	1	4	0	0
Total	5	21	3	0

4.6.2 2012/13 (up to 31 December 2012)

	Withdrawn	Not Upheld	Upheld	Ongoing
Corporate Services	0	2	0	0
Education	1	4	0	0
Environment & Leisure	3*	3	3	0
Social Services	1	0	0	1
Total	5	9	3	1

* includes 1 collective grievance on behalf of 41 members of staff

4.7 The tables below provides the outcome of the Employment Tribunal applications in accordance with the tables at 4.3.1 and 4.3.2

4.7.1 **2011/12**

	Application withdrawn	Settled prior to ET hearing	Settled at ET hearing	Lost case	Won case	Ongoing
Corporate Services	0	2	0	0	0	0
Education & Leisure	0	2	0	0	1	0
Environment	0	3	0	0	0	0
Social Services	0	0	0	0	0	0
Total	0	7	0	0	1	0

4.7.2 **2012/13 (up to 31 December 2012)**

	Application withdrawn	Settled prior to ET hearing	Settled at ET hearing	Lost case	Won case	Ongoing
Corporate Services	0	1	0	0	0	0
Education	0	3	0	0	0	2
Environment & Leisure	4	0	0	0	0	3
Social Services	2	3	0	0	0	2
Total	6	7	0	0	0	7

4.8 Whilst the report details numbers of formal cases, it does not provide information with regard to complexity of cases or the length of time to resolve them. It is our intention to provide information with regards to timescales via iTrent in the near future.

4.8.1 In addition, the report does not provide details of adult protection or child protection cases that have not progressed to a formal disciplinary investigation.

5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes only, so the Council's full Equalities Impact Assessment process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 None.

7. PERSONNEL IMPLICATIONS

7.1 Robust and fair People Management processes are essential if as an organisation we are going to maximise the impact of our greatest asset i.e. our employees.

- 7.2 We need to review our performance management arrangements to ensure that we are making the most effective use of our resources, and challenging unacceptable or poor performance where this exists. Whilst managers and Head Teachers have received training in relation to the Council's / Schools' adopted Disciplinary, Grievance and Managing Sickness Absence Procedures, they will need further training and development in this area and they will also need to be challenged by senior management and the leadership team to ensure that this is taking place.
- 7.3 Following discussions with Heads of Service and Trade Unions, a Fast Track Disciplinary Procedure will be introduced to the Directorate of the Environment as a pilot exercise, with effect from 1 April 2013, to allow 'minor' misconduct cases to be dealt with more speedily. The pilot will be reviewed after a period of 12 months.

8. CONSULTATIONS

- 8.1 There are no consultation responses that are not included in this report.

9. RECOMMENDATIONS

- 9.1 Scrutiny members note the contents of the report.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The recommendations are designed to inform Scrutiny of the volume and type of formal employee relations issues within the Authority during 2011/12 and 2012/13 (up to 31 December 2012) and the outcomes.

11. STATUTORY POWER

- 11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

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