

CHESHIRE FIRE AUTHORITY

MEETING OF: STAFFING COMMITTEE
DATE: 9TH NOVEMBER 2022
REPORT OF: DIRECTOR OF TRANSFORMATION
AUTHOR: KATE PACKER, SENIOR HR BUSINESS PARTNER

SUBJECT: DISCIPLINE AND GRIEVANCE UPDATE

Purpose of Report

1. To provide an update about Discipline cases, Grievances, Dignity at Work complaints, and Performance Improvement/Capability procedures within the Service.

Recommended: That

[1] members note the information contained within this update.

Background

2. The following information summarises the data that the Service holds on Discipline cases, Grievances, Dignity at Work complaints, and Performance Improvement/Capability procedures involving its employees.
3. It covers the last 2 calendar years up to and including October 2022 but since 2022 is incomplete, references to 2022 figures do not represent a full year's data. Comparisons are also made with 2020 data, where appropriate.
4. Fire Staff and Operational Staff data, along with gender data, has been separated where there is sufficient data to do so without individuals being identifiable.

Information

5. The following paragraphs provide further information about the activity summarised in Appendix 1 to this report.

Discipline Cases by Type

6. There were 9 discipline cases undertaken during 2021 (calendar year). Of these 8 were conduct cases, 1 was an attendance case and there were no capability cases. In comparison there were 21 discipline cases in 2020, consisting of 17 conduct cases and 4 attendance cases.

7. At the time of writing there have been 13 discipline cases undertaken during 2022. Of these 11 were conduct cases, 2 were attendance cases and as yet, there have been no capability cases.
8. Lessons learnt and feedback from discipline cases have been incorporated in to a workshop for all managers who may have responsibility for undertaking discipline investigations. This was in addition to the Discipline Investigations training that is delivered by the legal training specialists, Bond Solon. The workshop covered supporting the welfare of those involved, impartiality and unconscious bias and investigation planning. Workshops took place in September and October.

Discipline – Breakdown by staff group

9. As of the end of Quarter 4 2020/21 the proportion of Operational Staff to Fire Staff was 78% to 22%.
10. Of the 9 discipline cases in 2021, 88% (8) were Operational Staff and 12% (1) was Fire Staff.
11. Of the 13 discipline cases commenced in 2022 to date, 61% (8) were Operational Staff and 39% (5) were Fire Staff.

Discipline – Outcomes

12. Overall, of the 9 discipline cases (attendance and conduct and capability) in 2021, 33% (3) of the cases resulted in a formal sanction, with 55% (5) of the cases resulting in no formal action, and 1 case (12%) resulting in a resignation. In comparison, in 2020 67% (14) of the cases resulted in a formal sanction, with 29% (6) of the cases resulting in no formal action, and 1 case (4.8 %) resulting in a resignation
13. Of the 3 cases in 2021 which resulted in a formal sanction (which would mean either a written warning, final written warning or dismissal), all of the cases involved Operational Staff in Service Delivery.
14. To-date, of the 13 discipline cases in 2022 6 are ongoing and 5 formal sanctions have been issued. 2 cases were resolved with no further action taken.
15. In summary, the discipline figures for 2021 show a significant decrease in discipline cases when compared with the data for 2020. However, although the data for 2022 is incomplete, there is already an increase in discipline cases.

Grievances

16. In 2021 there were 6 formal Grievances, compared with 3 in 2020. Of

these 6 cases, 5 were raised by male Operational Staff.

17. Of the 6 Grievances in 2021 5 were upheld, and 1 was partly upheld as there were some claims within the grievance that were supported by the hearing manager.
18. In 2022 to date, there have been 7 Grievances. All were raised by male staff, 3 have been either upheld in full, or upheld in part and 2 are still to be determined.
19. In summary, there has been an increase in Grievances in the past two years. The majority of these grievances (10 of the 13) have been related to leave entitlements including reimbursement of leave during sickness absence (7 cases). The increase in absence due to Covid-19 and the introduction of a new leave reimbursement request form, to ensure requests were managed consistently, resulted in more challenges about leave.

Dignity at Work

20. In 2021 there was one formal Dignity at Work complaint, compared to two formal complaints in 2020. The outcome was that, following a determination that the concerns raised within the Dignity at Work were legitimate, the upheld issues were resolved informally with the complainant.
21. To date, in 2022 there have been two formal Dignity at Work complaints, the outcome in both cases were that they were upheld, one progressed to formal discipline investigation and the second was resolved informally.
22. Since 2018, when the Service recorded a total of five Dignity at Work complaints, heightened emphasis has been placed on developing the skills of managers in order to help them manage more effectively with compassion and empathy. Managers have also been encouraged to put more focus on “how” things are done and not just on “what” is done, particularly during appraisal discussions. The Service also launched a campaign called “Who do I turn to?” which highlights what is and isn’t acceptable behaviour in the workplace and where staff can seek support in the event that they feel harassed or bullied. These efforts to heighten awareness of unacceptable behaviour, and to encourage managers to manage appropriately have more than halved the number of Dignity at Work complaints since 2018. This is shown at Appendix 1 Chart 4.

Capability / Performance Improvement

23. Cases of incapability or poor performance are managed in accordance with the Capability Procedure for Fire Staff, and the Performance Improvement Procedure for Operational Staff (unless they involve newly appointed staff subject to a probationary period). These types of cases do not involve a formal

investigation but are managed through a set of monitoring stages. Integral to the process for all staff is the issuing of a formal Performance Improvement Plan once the informal stage has been exhausted.

24. There have been no formal capability cases in 2021 or 2022 to date.

Financial Implications

25. Poorly managed cases can result in legal costs and award of compensation, as well as reputational damage. In addition each case is time and resource intensive, therefore a lower number of cases should mean greater capacity is released for managers to undertake other work.

Legal Implications

26. Where employment cases are not managed appropriately there is a risk of legal claims through the Employment Tribunal or courts.

Equality and Diversity Implications

27. It is important that all sections of the workforce are treated fairly and equitably during relevant procedures, and that all staff can freely raise their concerns where necessary. Employees with protected characteristics are safeguarded by the Equality Act 2010 and trade union representation is always accommodated upon request.

Environmental Implications

28. There are no environmental implications associated with the information contained within this report.

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BACKGROUND PAPERS:

STAFFING COMMITTEE ON 8TH NOVEMBER 2021 – ITEM 4 – DISCIPLINE AND GRIEVANCE UPDATE

Appendix 1

Chart 1 – Number of Discipline cases from 2018 to 2022 (to date)

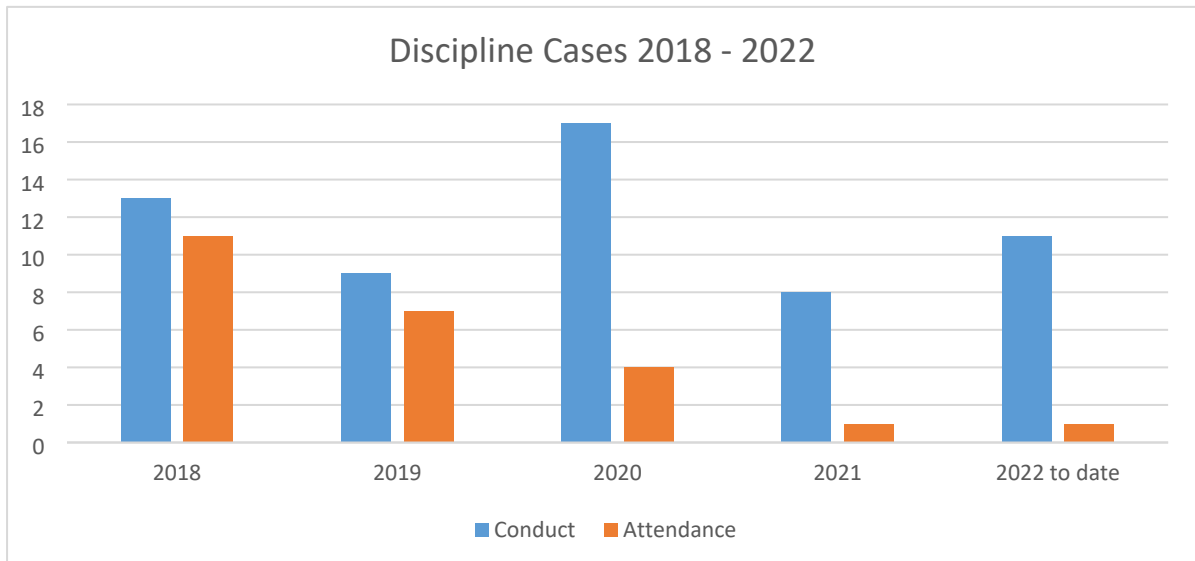


Chart 2 – Outcome of 2021 Discipline Cases by Staff Group

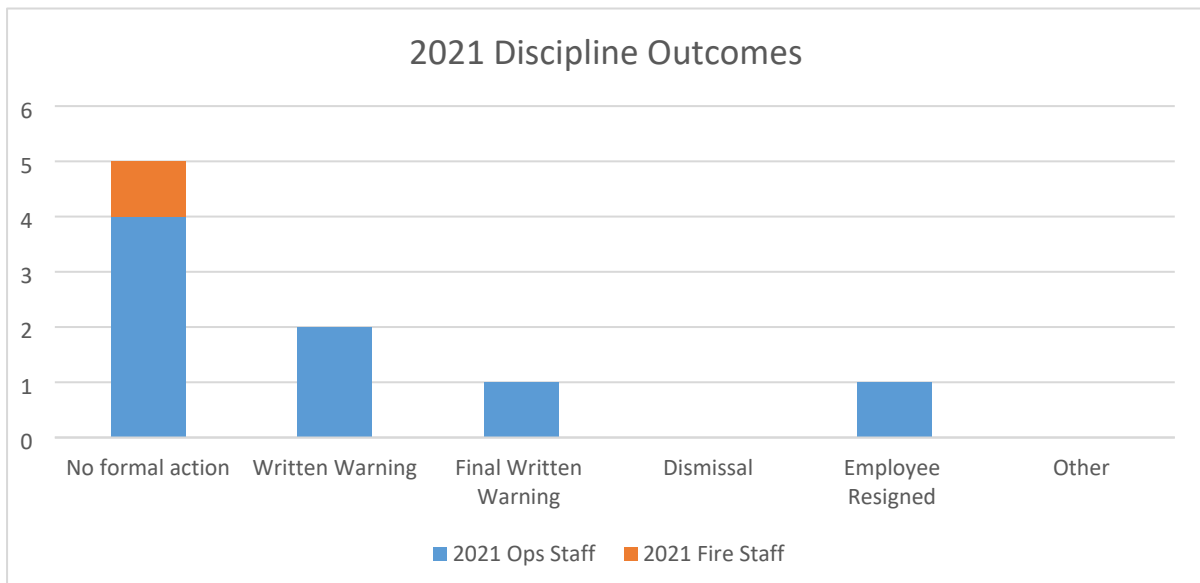


Chart 3 – Grievances by Staff Group

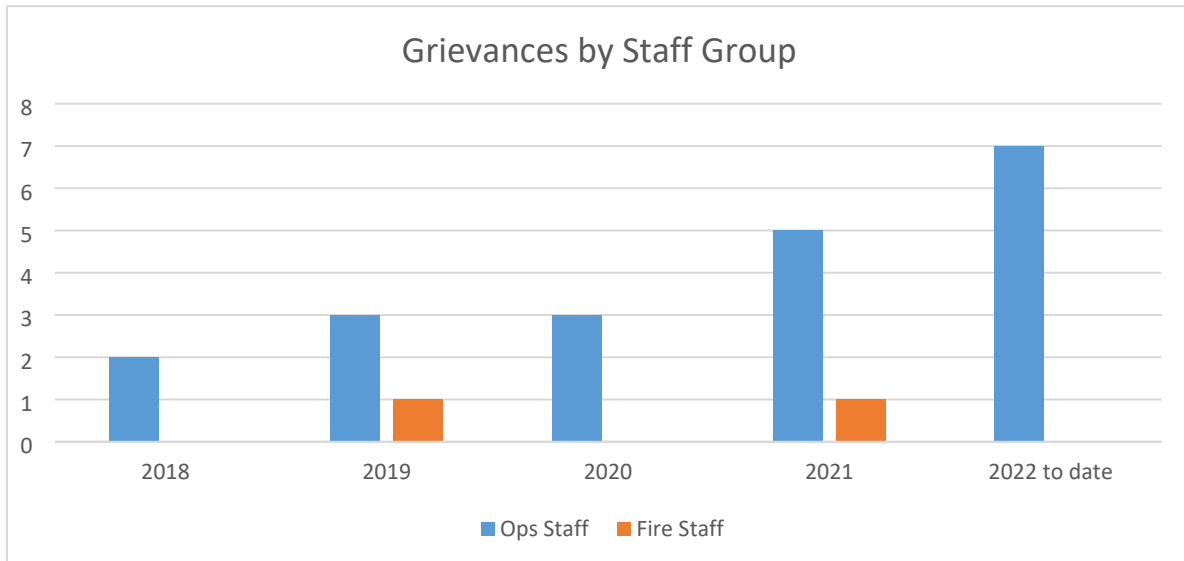


Chart 4 – Dignity at Work Complaints by Staff Group

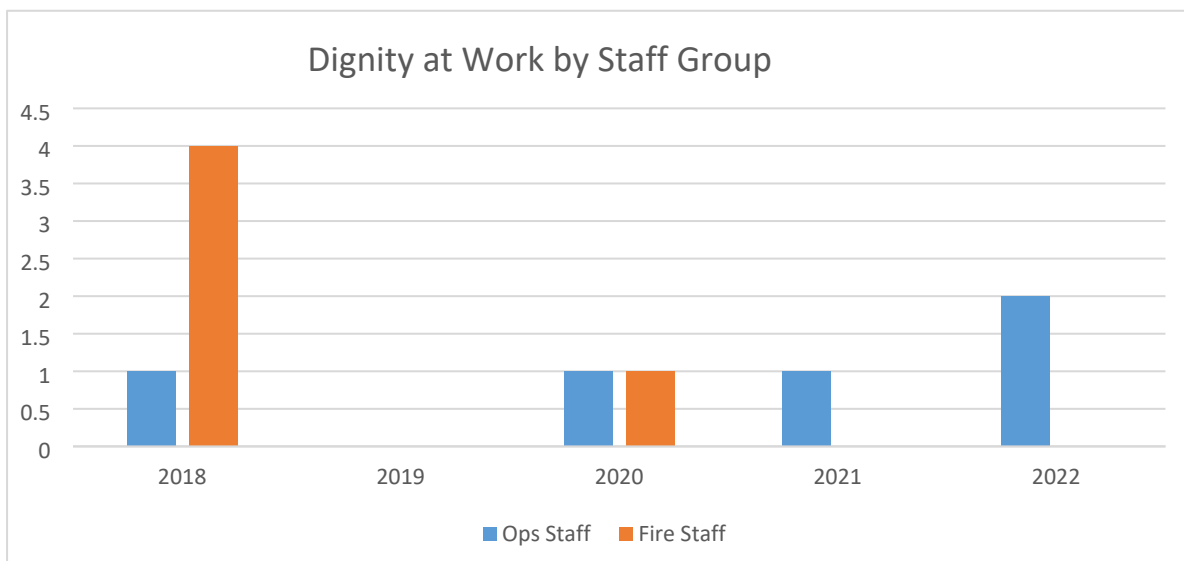


Chart 5 – Dignity at Work Complaints by Gender

