

# CHESHIRE FIRE AUTHORITY

**MEETING OF:** STAFFING COMMITTEE  
**DATE:** 20<sup>TH</sup> NOVEMBER 2023  
**REPORT OF:** HEAD OF PEOPLE & ORGANISATIONAL DEVELOPMENT  
**AUTHOR:** CARMINE RABHANI

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**SUBJECT:** DISCIPLINE AND GRIEVANCE UPDATE

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## 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 2023 but since 2023 is incomplete, references to 2023 figures do not represent a full year's data. Comparisons are also made with 2021 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 14 discipline cases undertaken during 2022 (calendar year). Of these 12 were conduct cases, and 2 were attendance cases. In comparison there were 9 discipline cases in 2021, consisting of 8 conduct cases and 1 attendance case.

7. At the time of writing there have been 25 discipline cases undertaken during 2023. Of these 23 were conduct cases, 2 were attendance cases and as yet, there have been no capability cases.
8. Conduct cases have been under close scrutiny at a national level since the HMICFRS published their spotlight report into values and culture in the fire and rescue service. The Service believe that we take a balanced approach which ensures any serious breaches of conduct are dealt with robustly, whilst ensuring that we do not over use the discipline procedures where it is not necessary. The criticism within the Spotlight report was that Services were not effectively using their procedures to tackle inappropriate behaviour.

#### Discipline – Breakdown by staff group

9. As at Q1 2023/24 the proportion of Operational Staff to Fire Staff was 77% to 23%.
10. Of the 14 discipline cases in 2022, 57% (8) involved Operational Staff and 43% (6) involved Fire Staff.
11. Of the 25 discipline cases commenced in 2023 to date, 76% (19) were Operational Staff and 24% (6) were Fire Staff.

#### Discipline – Outcomes

12. Overall, of the 14 discipline cases (attendance and conduct and capability) in 2022, 77% (10) of the cases resulted in a formal sanction, with 14% (2) of the cases resulting in no formal action, 14% (2) of cases resulting in a resignation. In comparison, in 2021 33% (3) of the cases resulted in a formal sanction, with 56% (5) of the cases resulting in no formal action, and 1 case (11%) resulting in a resignation.
13. To date, of the 25 discipline cases in 2023, 6 formal sanctions have been issued in 24% of cases. 40% (10) of cases were resolved with no further action taken, 4% (1) of cases resulted in a resignation, and the rest are still ongoing.
14. In summary, the discipline figures for 2022 show a small increase in discipline cases when compared with the data for 2021. However, although the data for 2023 is incomplete, there already appears to be a significant increase in discipline cases compared with the previous years.

#### Grievances

15. In 2022 there were 12 formal Grievances case, compared with 6 in 2021. Of these cases, 11 (92%) were raised by Operational Staff and 1 (8%) was raised by a member of Fire Staff.

16. Of the 12 Grievances in 2022, 2 (17%) were upheld, and 8 (67%) were not upheld. 2 other cases (17%) were resolved separately.
17. In 2023 to date, there have been 7 Grievances. 4 (57%) were raised by operational staff, with 3 (43%) being raised by Fire staff. 5 (71%) were not upheld, and 2 (29%) were partly upheld.
18. In summary, there appears to have been a decrease in Grievances submitted in the past two years. With the number of grievances submitted in 2023 looking like they have returned to pre-2022 levels.

### Dignity at Work

19. In 2022 there were two formal Dignity at Work complaints, compared to one formal complaint in 2021. In terms of the two cases in 2022, both complaints were upheld, with an informal resolution being put in place for one, and a formal disciplinary process being the outcome of the other.
20. To date, in 2023 there have been two formal Dignity at Work complaints, the outcome in one case was no further action, and the other case is still pending.
21. Of the four cases in 2022 and 2023 to date, all four were submitted by female operational staff.
22. In light of the HMICFRS spotlight report on Values and Culture, the Service has heightened staff awareness of how to report unacceptable behaviour in the workplace through refreshing it's 'Who do I turn to' campaign as well as other mechanisms that complainants can use to access support. These efforts to heighten awareness of unacceptable behaviour, and to encourage managers to manage appropriately appear to be reflected in the consistently low number of Dignity at Work complaints in recent years.

### 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 2022 or 2023 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 discipline 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**

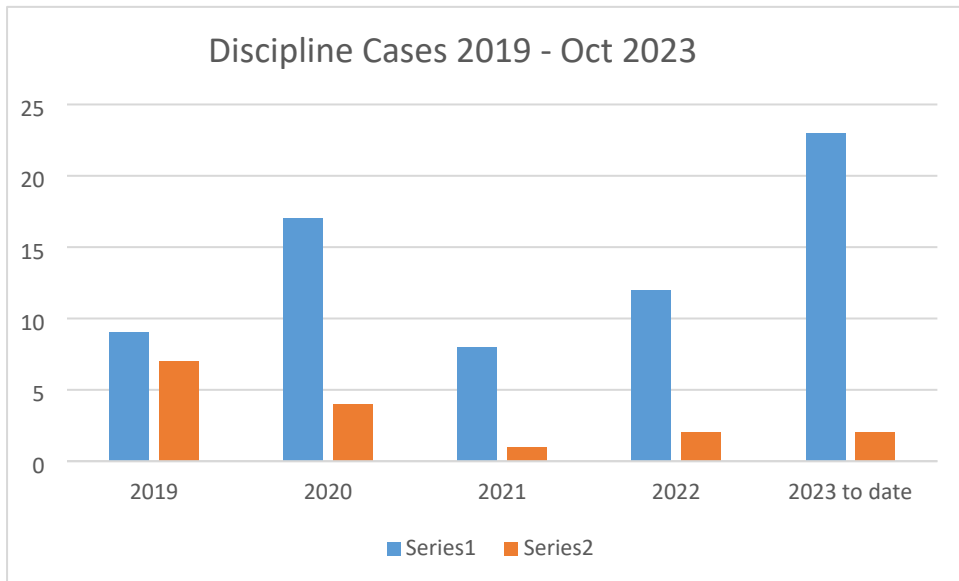
28. There are no environmental implications associated with the information contained within this report.

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**BACKGROUND PAPERS:**

Appendix 1

Chart 1 – Number of Discipline cases from 2019 to 2023 (to date)



Blue – Conduct Orange - Attendance

Chart 2 – Outcome of 2022 Discipline Cases by Staff Group

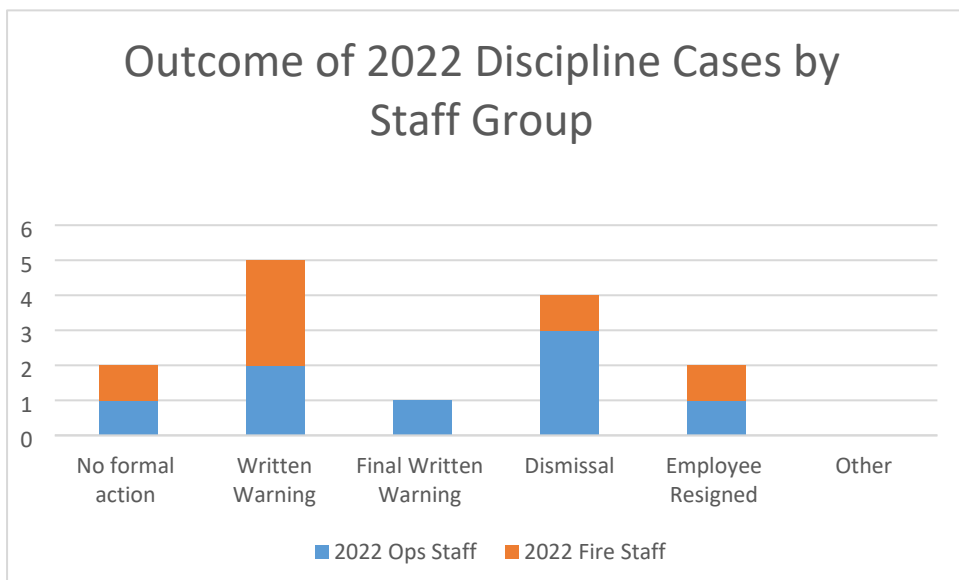


Chart 3 – Grievances by Staff Group

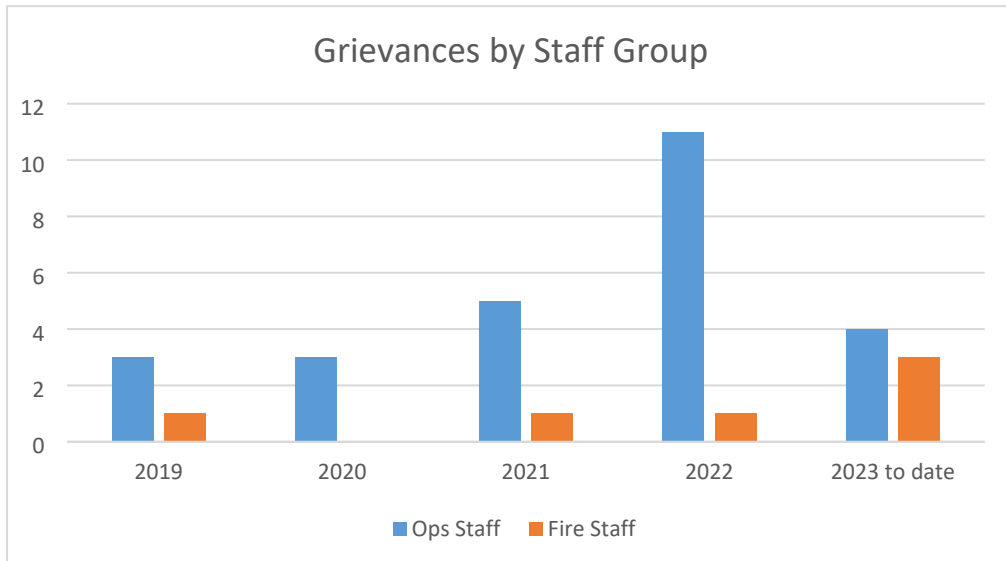


Chart 4 – Dignity at Work Complaints by Staff Group

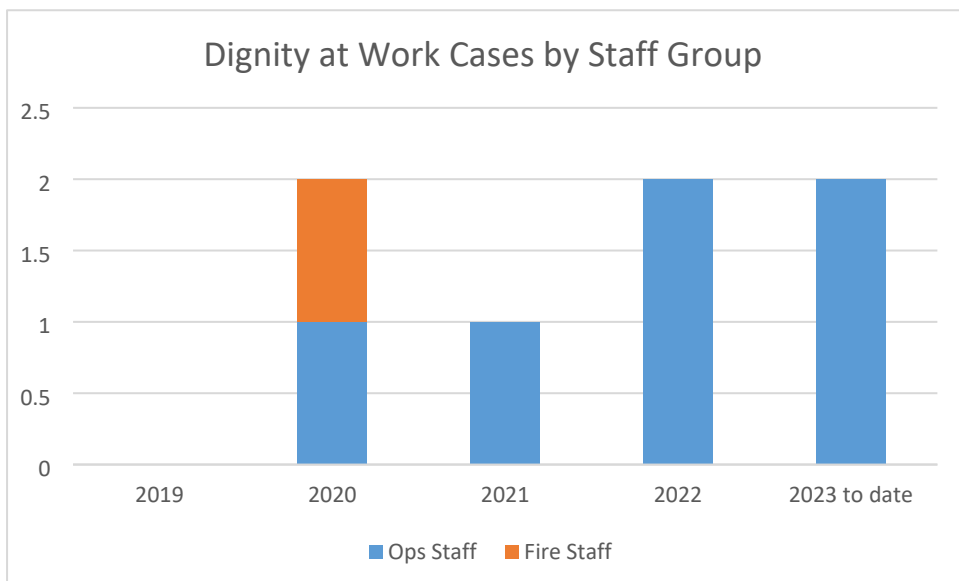


Chart 5 – Dignity at Work Complaints by Gender

