

CHESHIRE FIRE AUTHORITY

MEETING OF: STAFFING COMMITTEE
DATE: 13TH NOVEMBER 2024
REPORT OF: HEAD OF PEOPLE & ORGANISATIONAL DEVELOPMENT
AUTHOR: LAURA TURNER, 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 2024 but since 2024 is incomplete, references to 2024 figures do not represent a full year's data. Comparisons are also made with 2022 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 26 discipline cases undertaken during 2023 (calendar year). Of these 23 were conduct cases, and 3 were attendance cases. In comparison there were 13 discipline cases in 2022, consisting of 11 conduct cases and 2 attendance case.

7. At the time of writing there have been 8 discipline cases undertaken during 2024. Of these 4 were conduct cases, 4 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 acts of misconduct are dealt with robustly, whilst ensuring that we do not over use the discipline procedures where it is not necessary. One of the criticisms within the Spotlight report was that Services were not effectively using their procedures to tackle inappropriate behaviour.
9. Another outcome of the Spotlight report was the introduction of a consistent framework for DBS checks within the Fire and Rescue Service, both pre-employment and during employment. Thus providing assurance to the public that Fire and Rescue Service staff have appropriate criminal records checks in place.
10. Following a thematic inspection of the handling of misconduct in fire and rescue services in England, on 1st August 2024 HMICFRS published 'Standards of Behaviour – The handling of misconduct in fire and rescue services'. An assessment of Cheshire's current position in relation to the recommendations within this report, and a proposal in relation to the actions that we can/should take to address them is in the process of being developed. This will shape the way misconduct cases are handled in the future in order to achieve compliance.

Discipline – Breakdown by staff group

11. As at Q1 2024/25 the proportion of Operational Staff to Fire Staff was 76% to 24%.
12. Of the 26 discipline cases in 2023, 62% (16) involved Operational Staff and 38% (10) involved Fire Staff.
13. Of the 8 discipline cases commenced in 2024 to date, 50% (4) were Operational Staff and 50% (4) were Fire Staff.

Discipline – Outcomes

14. Overall, of the 26 discipline cases (attendance and conduct and capability) in 2023, 54% (14) of the cases resulted in a formal sanction, with 34.5% (9) of the cases resulting in no formal action, 11.5% (3) of cases resulting in a resignation. In comparison, in 2022 69% (9) of the cases resulted in a formal sanction, with 15.5% (2) of the cases resulting in no formal action, and 15.5% (2) of the cases resulting in a resignation. Of the 2023 cases, 2 of the resignations relate to cases of serious misconduct, in these cases a disciplinary hearing was convened despite the resignation of the subject of the case. Both hearings

determined the outcome of the case would have been dismissal if they had not resigned.

15. To date, of the 8 discipline cases in 2024, 5 formal sanctions have been issued in 62.5% of cases and remaining cases (3) are still ongoing.
16. Of the 34 cases in 2023 and 2024 to date, the subject of the case was female in 12 cases (35%), and 22 (65%) were males.
17. In summary, the discipline figures for 2023 show an increase in discipline cases when compared with the data for 2022. However, although the data for 2024 is incomplete, there already appears to be a significant decrease in discipline cases compared with the previous years.

Comparison Against Other Fire & Rescue Services

18. Included within appendix 1, chart 3 is a comparison against other Fire and Rescue Service discipline cases in the category of significantly rural Fire Services between 1st April 2023 – 31st March 2024.
19. This information suggests that the level of discipline cases within Cheshire is comparable with other similar Services.

Grievances

20. In 2023 there were 7 formal Grievance cases, compared with 12 in 2022. Of these cases, 4 (57%) were raised by Operational Staff and 3 (43%) were raised by a member of Fire Staff.
21. Of the 7 Grievances in 2023, 2 (29%) were partially upheld, and 5 (71%) were not upheld.
22. In 2024 to date, there have been 5 Grievances. 4 (80%) were raised by operational staff, with 1 (20%) being raised by Fire staff. 2 (40%) were not upheld, 1 (20%) was upheld and 2 (40%) were partly upheld.
23. Of the 12 cases in 2023 and 2024 to date, 2 (17%) were submitted by females, and 10 (83%) were submitted by a males.
24. In summary, there appears to have been a decrease in Grievances submitted in the past two years. With the number of grievances submitted in 2024 and 2023 looking like they have returned to pre-2022 levels.

Comparison Against Other Fire & Rescue Services

25. Included within appendix 1 – chart 5 is a comparison against other Fire and Rescue Service grievance cases in the category of significantly rural Fire Services between 1st April 2023 – 31st March 2024.

26. This information suggests that the Service is comparable to other similar Services.

Dignity at Work

27. In 2023 there were two formal Dignity at Work complaints, there was also two formal complaints in 2022. In terms of the two cases in 2023, one complaint resulted in no further action and the other complaint was upheld, with a formal disciplinary process being the outcome.
28. To date, in 2024 there have been two formal Dignity at Work complaints, the outcome of these cases are still pending.
29. Of the four cases in 2023 and 2024 to date, three (75%) were submitted by females, two operational and one fire staff and one (25%) was submitted by a male, operational member of staff.
30. We continue to promote our 'Who do I turn to?' campaign which seeks to heighten awareness of what constitutes unacceptable behaviour and how to report it, 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

31. 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.
32. There have been no formal capability cases in 2023 or 2024 to date.

Financial Implications

33. 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

34. Where employment cases are not managed appropriately, or discrimination is alleged to have taken place, there is a risk of legal claims through the Employment Tribunal or courts.

Equality and Diversity Implications

35. 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.
36. From October 2024 the Worker Protection (Amendment of Equality Act 2010) Bill has taken effect and strengthened existing protection for workers against sexual harassment. The new law places a new duty on employers to take 'reasonable steps' to prevent sexual harassment. The Service takes a proactive and systematic approach to preventing and tackling sexual harassment at work.

Environmental Implications

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

**CONTACT: DONNA LINTON, GOVERNANCE AND CORPORATE PLANNING
MANAGER
TEL 07776297806**

BACKGROUND PAPERS: NONE

Appendix 1

Chart 1 – Number of Discipline cases from 2020 to 2024 (to date)

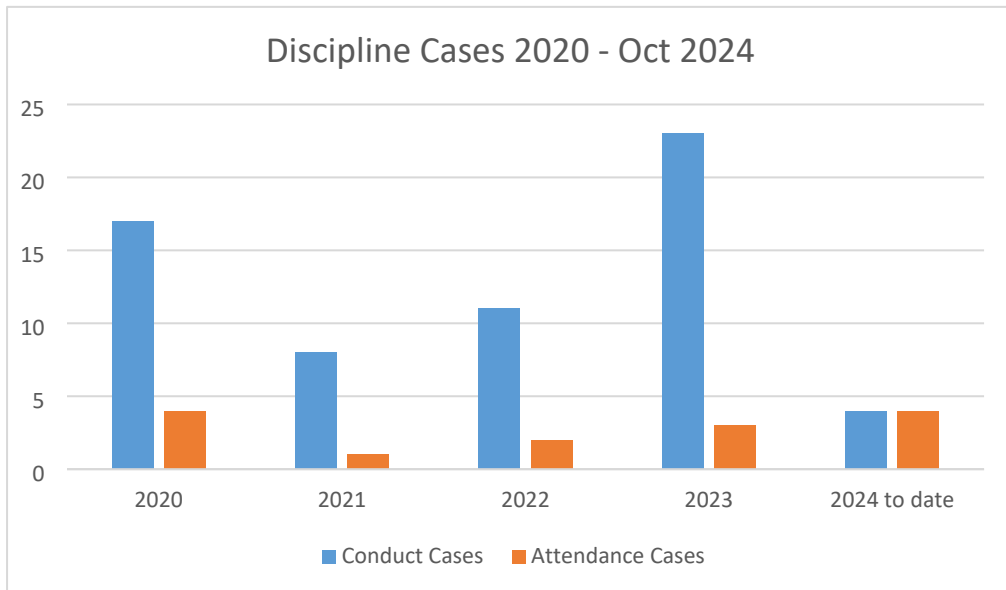


Chart 2 – Outcome of 2023 Discipline Cases by Staff Group

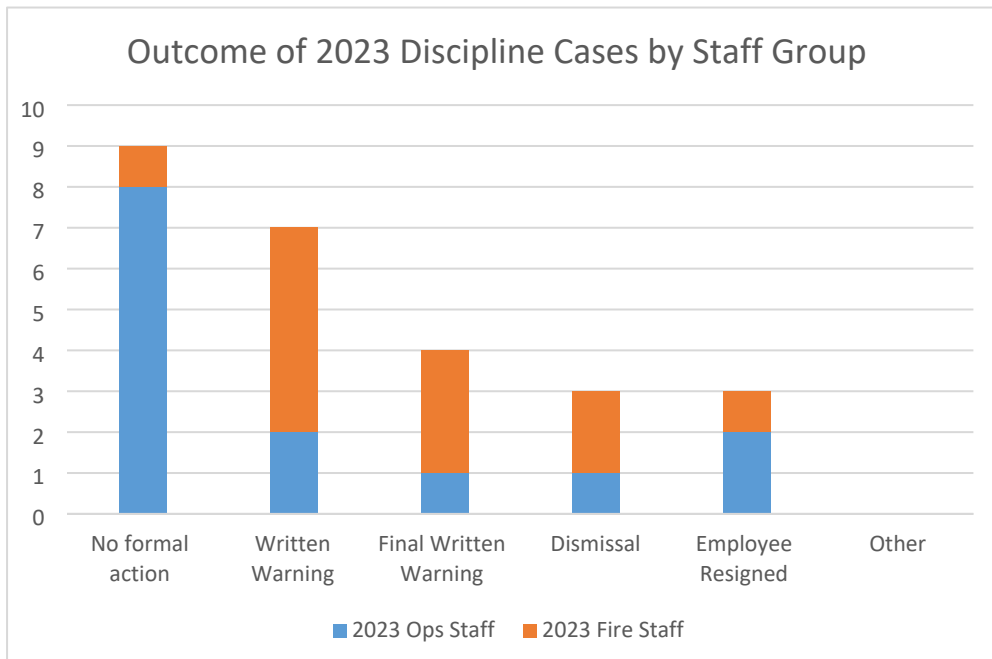


Chart 3 – Discipline Cases Comparison Against Other ‘Significantly Rural’ Fire Services

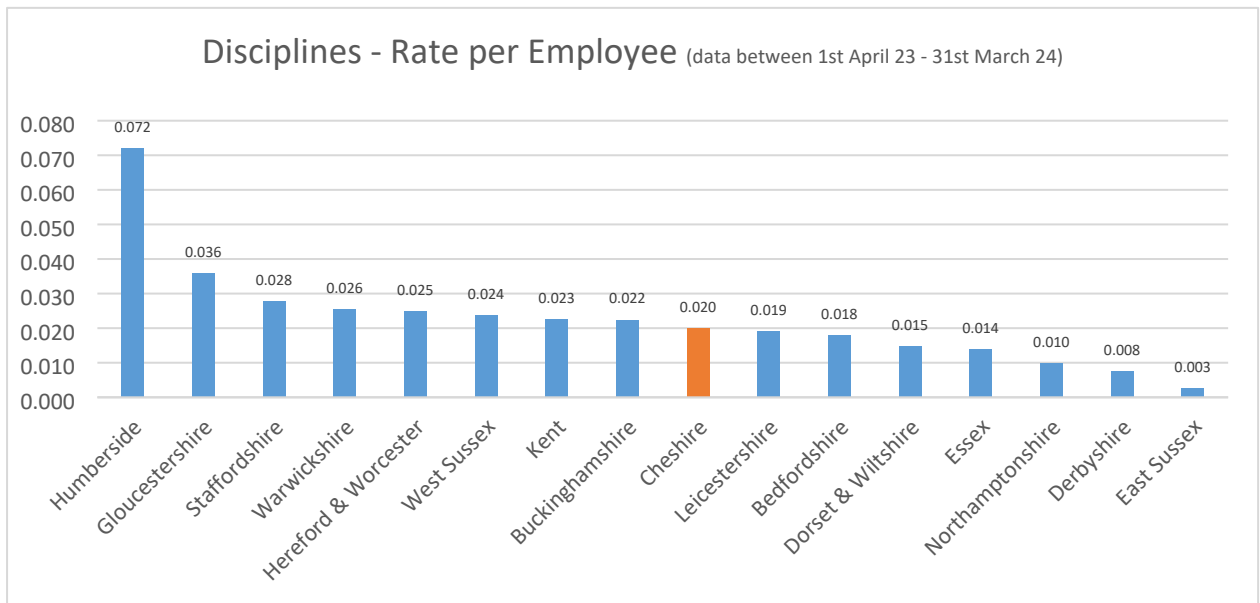


Chart 4 – Grievances by Staff Group

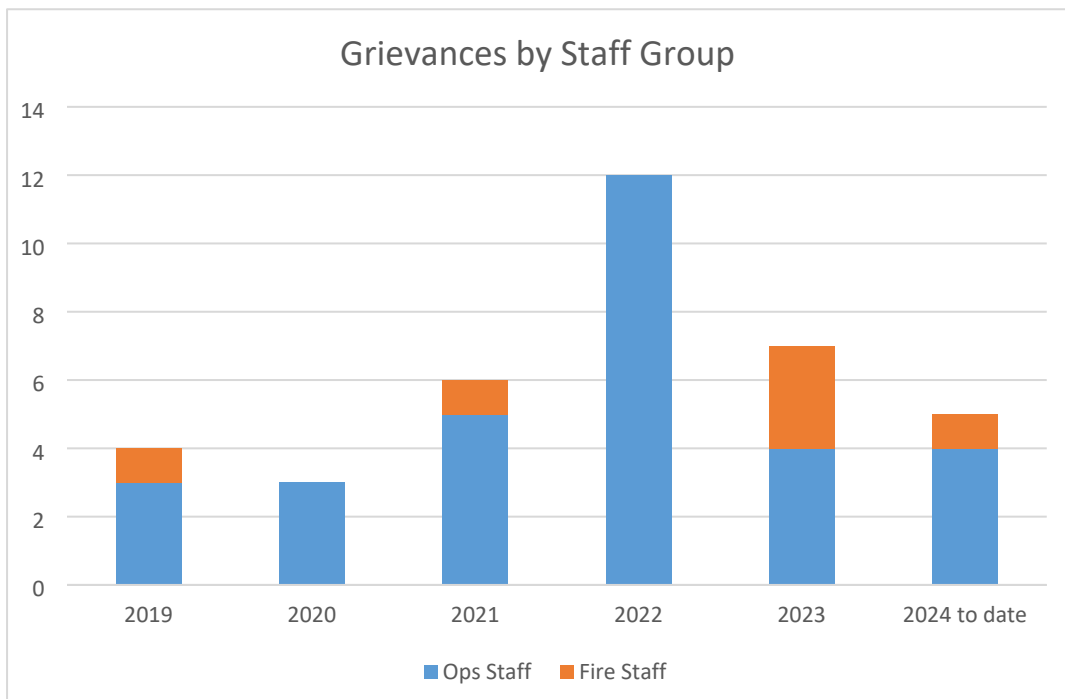


Chart 5 – Grievances Benchmarked Against Other ‘Significantly Rural’ Fire Services

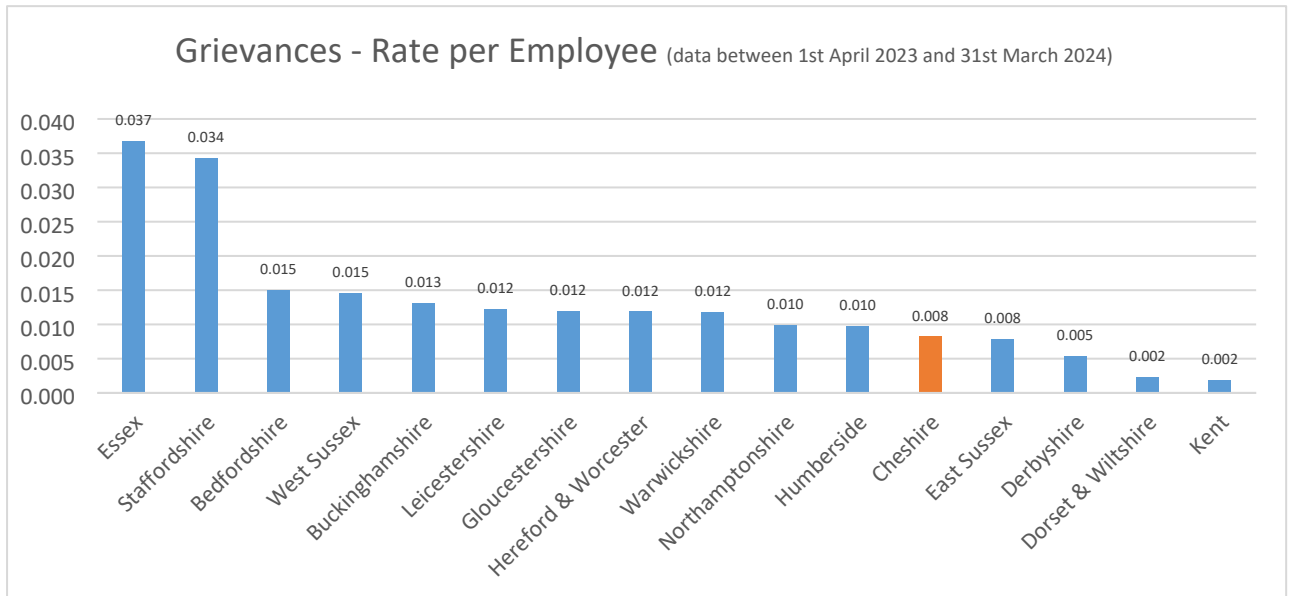


Chart 6 – Dignity at Work Complaints by Staff Group

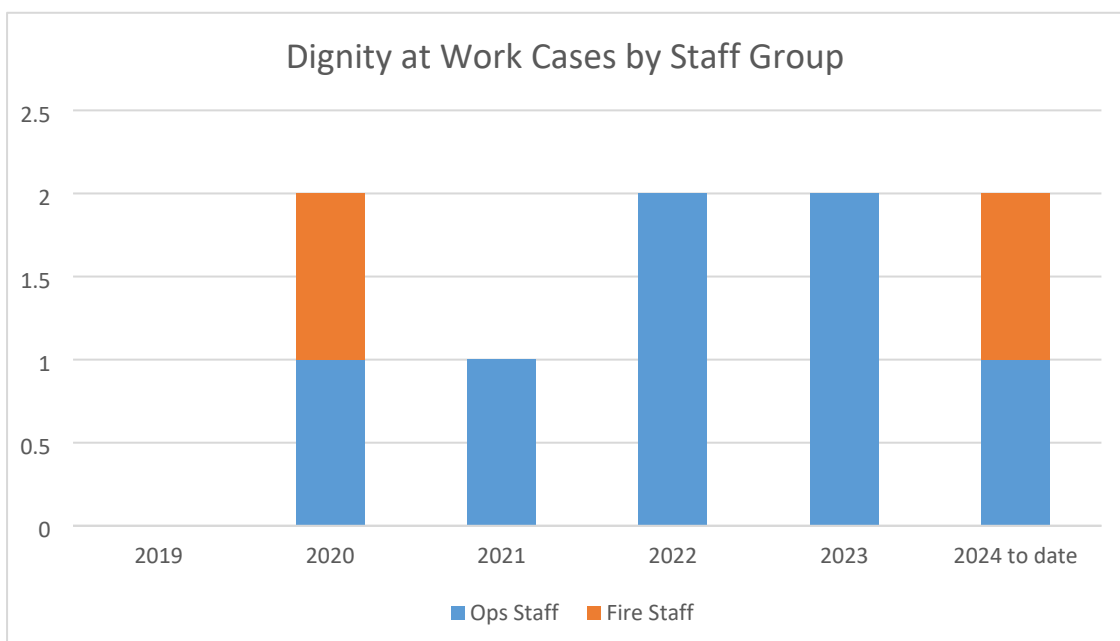


Chart 7 – Dignity at Work Complaints by Gender

