

CHESHIRE FIRE AUTHORITY

MEETING OF: STAFFING COMMITTEE
DATE: 16TH NOVEMBER 2020
REPORT OF: ANDREA HARVEY - DIRECTOR OF TRANSFORMATION
AUTHOR: CARMINE RABHANI – SNR HR BUSINESS PARTNER

SUBJECT: DISCIPLINE AND GRIEVANCE UPDATE

Purpose of Report

1. To provide an update to the Staffing Committee on 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 for its employees.
3. It covers the last 2 calendar years up to and including October 2020 but as 2020 is not yet complete, references to 2020 figures do not represent a full year's data. Comparisons are also made with 2018 data where appropriate.
4. Fire Staff and Operational Staff data has been separated where there is sufficient data to do so without individuals being identifiable.

Information

Discipline Cases by Type

5. There were 17 discipline cases undertaken during 2019 (calendar year), of these 9 were conduct cases, 7 were attendance cases and 1 was a capability case. In comparison there were 24 discipline cases in 2018, consisting of 13 conduct cases and 11 attendance cases.
6. At the time of writing there have been 19 discipline cases undertaken during 2020, of these 15 were conduct cases and 4 have been attendance cases.

7. During the Covid-19 pandemic the Service has continued to deal with disciplinary issues where they have arisen, however to avoid unhelpful delays we have conducted meetings/hearings via Skype where appropriate, and where face to face meetings have been required we have ensured that meeting rooms are fully Covid-secure to safeguard the health and safety of all parties. In all cases the arrangements for hearings and meetings have been discussed and agreed with all parties in advance to ensure that everyone is comfortable to proceed.
8. In terms of managing attendance a lot of work has been undertaken in recent months in response to feedback from both the 2019 staff survey and the HMICFRS inspection. Through staff feedback it was clear that the policy and associated procedures are fit for purpose, proportionate and the reason for them is clear and understood. What became evident however is that more consideration was needed in respect of how the policy was being applied and how attendance should be managed with more compassion and consideration of how messaging is received during what is often a difficult time for an individual.
9. The work undertaken has resulted in a review of the policy, tone and language, and the development of a "Managing Attendance & Wellbeing Toolkit" for managers and a separate staff guide to address some of the common myths and questions that staff have about attendance management. The intention of both of these documents is to raise understanding of the importance of good attendance management, reassure and re-educate staff about the application of the process, and to prompt managers to consider "how" they are applying the policy, and how to set the right tone and consider the appropriate and desired level of support.
10. The launch of these documents is being supported by Skype sessions with Watches / Teams across the organisation which have been delivered in conjunction with Lawrence Howard, Mental Health & Wellbeing Advisor. To date these have been well received.

Discipline – Breakdown by staff group

11. As of the end of Quarter 1 2020 the proportion of Operational Staff to Fire Staff was 80% to 20%.
12. Of the 9 conduct cases in 2019, 89% (8) were Operational Staff and 11% (1) were Fire Staff. In relation to the 7 attendance cases, 86% (6) were Operational Staff and 14% (1) were Fire Staff.
13. Of the 15 conduct cases commenced in 2020, 73% (11) are Operational Staff and 27% (4) are Fire Staff. In relation to the 4 attendance cases 50% (2) are Operational Staff and 50% (2) are Fire Staff.

Discipline – Outcomes

14. Overall, of the 17 discipline cases (attendance, conduct and capability) in 2019, 47% (8) of cases resulted in a formal sanction, with 41% (7) of cases resulting in no formal action. Employee resignations/retirements accounted for the other 12% (2) of cases. In comparison, in 2018 29% (7) of cases resulted in a formal sanction, with 50% (12) of the cases resulting in no formal action.
15. Of the 8 cases in 2019 which resulted in a formal sanction (which would mean either a written warning, final written warning or dismissal), 12% (2) of the cases involved Fire Staff and 88% (6) involved Operational Staff. The percentage of Fire Staff cases resulting in the issuing of a formal sanction was 100%, compared with 40% of Operational Staff cases.
16. Of the 8 formal sanctions issued, 25% (2) were issued to female staff and 75% (6) were issued to male staff, which when considering the relatively low numbers of cases is broadly in line with the Service's gender split ratio of 81% males to 19% females. By comparison in 2018 14% (1) formal sanction was issued to female staff and 86% (6) formal sanctions were issued to male staff.
17. Of the 8 formal sanctions issued in 2019, 63% (5) were for staff in Service Delivery, with 13% (1) each in Prevention, Operational Policy and Assurance, and Protection.
18. To date, of the 19 discipline cases in 2020 which are either completed or ongoing, 5 formal sanctions have been issued.
19. In summary the discipline figures show us that 2019 appears to show a decrease in both conduct and attendance cases when compared with the data for 2018. However, although the data for 2020 is incomplete, this appears to show an increase in conduct cases coupled with a decrease in attendance cases, but a slight increase in overall cases from 2019 to 2020.

Grievances

20. In 2019 there were 4 formal grievance cases, compared with two in 2018. Of these 4 cases, 3 were raised by male Operational Staff, and one was raised by a male member of Fire Staff.
21. Of the 4 grievances in 2019 one was withdrawn by the individual, one was rejected as it was out of time, and two were heard but not upheld.
22. In 2020 to date there have been 2 grievances. Of the 2 grievances, both were raised by male, Operational Staff, one was not upheld and one was resolved informally.

Dignity at Work

23. In 2019 there were no formal Dignity at Work complaints, compared with 5 formal complaints in 2018.

24. To date in 2020 there has been one formal Dignity at Work complaint, the outcome of which was that it was not upheld.
25. In the last couple of years the Service has placed a lot of emphasis on developing its managers in order to be able to manage with compassion and empathy, as well as focusing during appraisals on the 'how' things are done and not just the 'what' is done. It has also run successful campaigns such as 'Who do I turn to' which highlights what is and isn't acceptable behaviour in the workplace, and the support that is available to staff should they feel harassed or bullied. These efforts to heighten awareness of unacceptable behaviour, and to encourage managers to manage appropriately appears to be reflected in the downward trend in Dignity at Work complaints in recent years.

Capability / Performance Improvement

26. 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. 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.
27. In 2020 to date there have been no formal PIPs issued. In 2019 there were 2 formal PIPs issued, and in 2018 there were 2 formal PIP's issued.

Financial Implications

28. 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

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

Equality and Diversity Implications

30. 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

31. All staff should be able to work in a safe, professional and inclusive work environment.

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BACKGROUND PAPERS: NONE**

Appendix 1

Table 1 – Number of Discipline cases from 2017 to 2020 (to date)

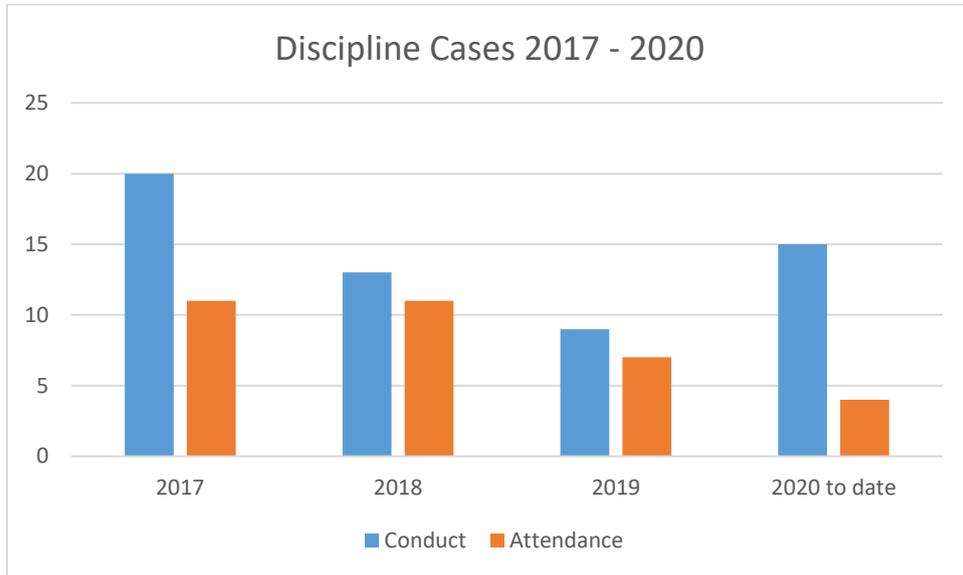


Table 2 – Outcome of 2019 Discipline Cases by Staff Group

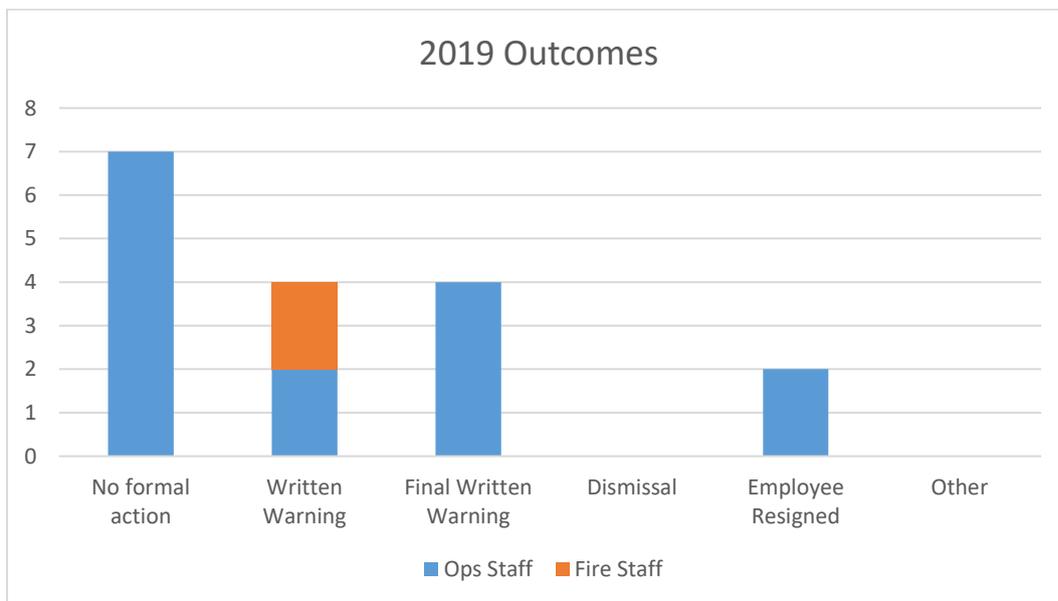


Table 3 – Grievances by Staff Group

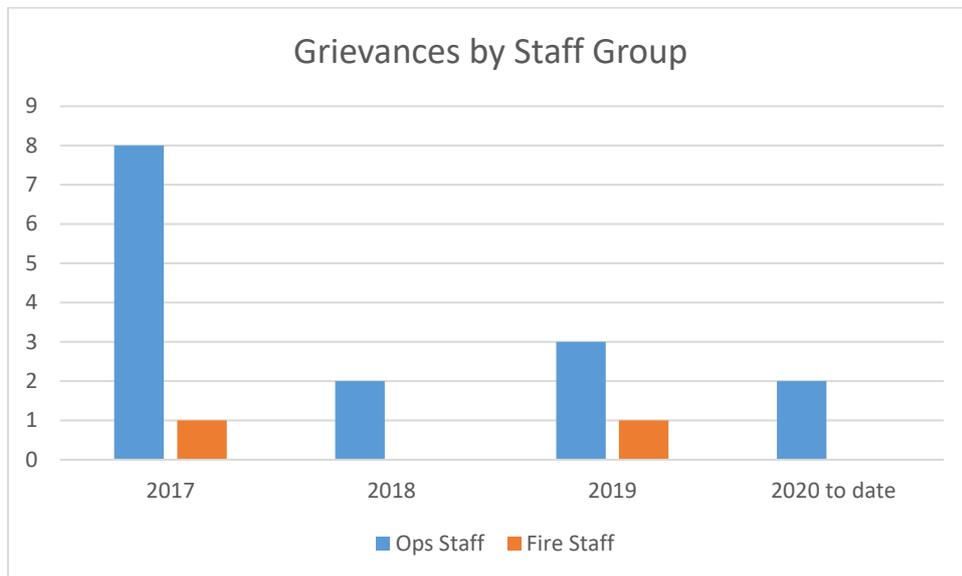


Table 4 – Grievances by Gender (all staff groups)

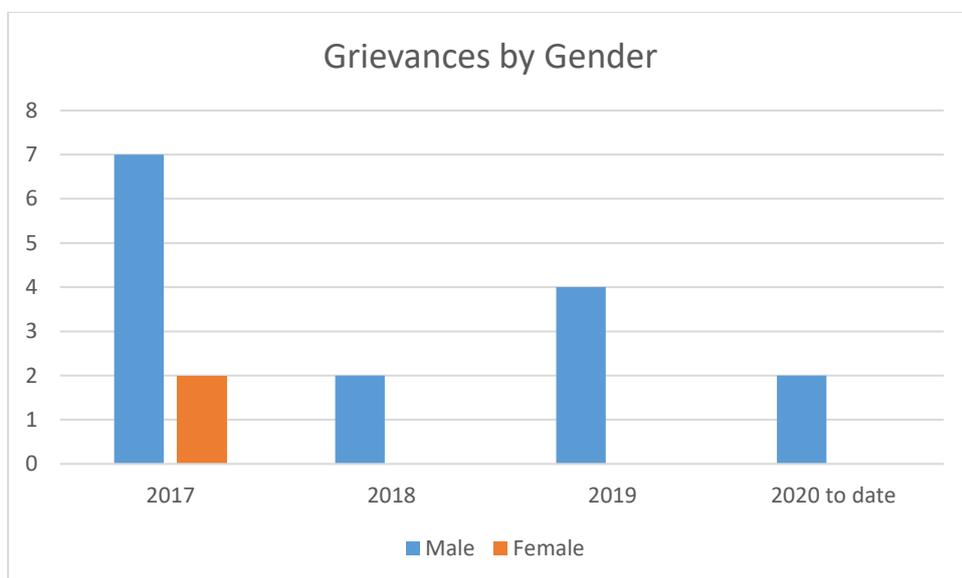


Table 5 – Dignity at Work Complaints by Staff Group

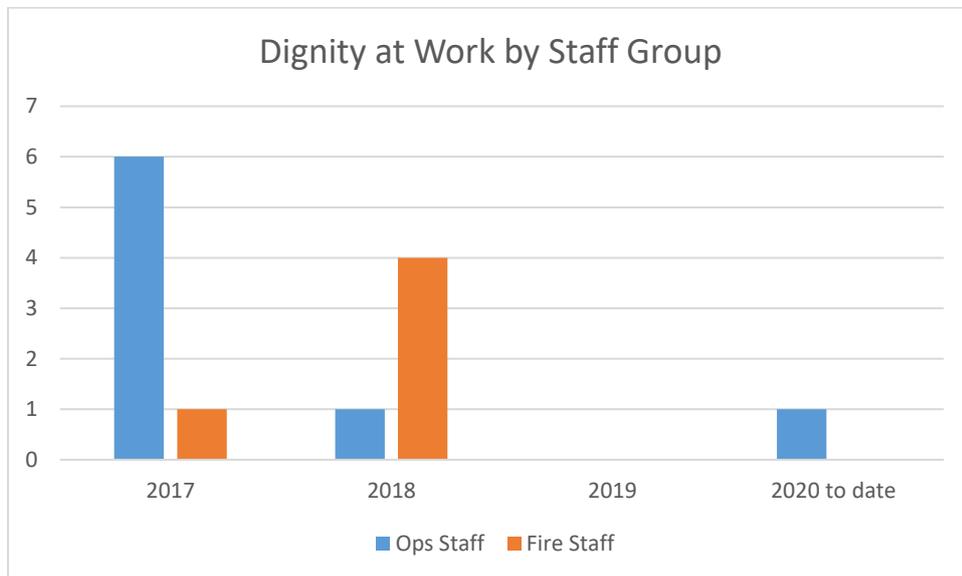


Table 6 – Dignity at Work Complaints by Gender

