

CHESHIRE FIRE AUTHORITY

MEETING OF: STAFFING COMMITTEE
DATE: 8 NOVEMBER 2021
REPORT OF: HEAD OF HUMAN RESOURCES
AUTHOR: CARMINE RABHANI

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 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 cases.
3. It covers the last 2 calendar years up to and including October 2021 but as 2021 is not yet complete, references to 2021 figures do not represent a full year's data. Comparisons are also made with 2019 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 21 discipline cases undertaken during 2020 (calendar year), of these 17 were conduct cases, 4 were attendance cases and there were no capability cases. In comparison there were 17 discipline cases in 2019, consisting of 9 conduct cases, 7 attendance cases and 1 capability case.

6. At the time of writing there have been 9 discipline cases undertaken during 2021, of these 8 were conduct cases, 1 was a capability case and as yet there have been no attendance cases.
7. During the height of the Covid-19 pandemic the Service continued to deal with disciplinary issues where they arose, however to avoid unhelpful delays we conducted meetings/hearings via Skype where appropriate, and where face to face meetings were required we have ensured that meeting rooms were fully Covid-secure to safeguard the health and safety of all parties. The Service has now reverted to conducting all formal meetings in person.
8. A 'Managing Attendance & Wellbeing Toolkit' for managers and a separate guide for staff were produced in late 2020 and were supported by a programme of Attendance and Wellbeing roadshows delivered by the HR team and the Service's Health & Wellbeing Advisor. The intention of both of these documents and the subsequent roadshows was 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. The feedback received from the roadshows was positive.

Discipline – Breakdown by staff group

9. As of the end of Quarter 4 2020/21 the proportion of Operational Staff to Fire Staff was 81% to 21%.
10. Of the 17 conduct cases in 2020, 76% (13) were Operational Staff and 24% (4) were Fire Staff. In relation to the 4 attendance cases, 50% (2) were Operational Staff and 50% (2) were Fire Staff.
11. Of the 8 conduct cases commenced in 2021 to date, 100% (8) are Operational Staff. In relation to the 4 attendance cases 50% (2) are Operational Staff and 50% (2) are Fire Staff.

Discipline – Outcomes

12. Overall, of the 21 discipline cases (attendance, conduct and capability) in 2020, 67% (14) of cases resulted in a formal sanction, with 29% (6) of cases resulting in no formal action, and 1 case (4.8 %) resulting in a resignation. In comparison, in 2019 47% (8) of cases resulted in a formal sanction, with 41% (7) of the cases resulting in no formal action.
13. Of the 14 cases in 2020 which resulted in a formal sanction (which would mean either a written warning, final written warning or dismissal), 36% (5) of the cases involved Fire Staff and 64% (9) involved Operational Staff. The percentage of

Fire Staff cases resulting in the issuing of a formal sanction was 83%, compared with 60% of Operational Staff cases.

14. Of the 14 formal sanctions issued, 36% (5) were issued to female staff and 64% (9) were issued to male staff. By comparison in 2019 25% (2) of formal sanctions were issued to female staff and 75% (6) of formal sanctions were issued to male staff.
15. Of the 14 formal sanctions issued in 2020, 64% (9) were for staff in Service Delivery, with 21% (3) in Prevention, and 1 (7.1%) in both Operational Policy and Assurance, and Governance & Commissioning.
16. To date, of the 8 discipline cases in 2021 which are either completed or ongoing, 2 formal sanctions have been issued.
17. In summary the discipline figures for 2020 show an increase in conduct cases when compared with the data for 2019. However, although the data for 2021 is incomplete, this appears to show a significant decrease in disciplinary cases overall, suggesting that 2020 could have been an exception to the longer term trend.

Grievances

18. In 2020 there were 3 formal grievance cases, compared with 4 in 2019. Of these 3 cases, 3 were raised by male Operational Staff.
19. Of the 3 grievances in 2020 one was withdrawn by the individual, one was heard but not upheld, and one was resolved informally.
20. In 2021 to date there have been 5 grievances. Of the 5 grievances, all were raised by male staff, 4 have been either upheld in full, or upheld in part and 1 is still to be determined.

Dignity at Work

21. In 2020 there were two formal Dignity at Work complaints, compared with no formal complaints in 2019.
22. To date in 2021 there has been one formal Dignity at Work complaint, the outcome of which was that it was upheld.
23. 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 appear to be reflected in the low number of Dignity at Work complaints in recent years.

Capability / Performance Improvement

24. 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.
25. In 2021 to date there has been 1 formal capability case.

Financial Implications

26. 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

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

Equality and Diversity Implications

28. 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

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

CONTACT: DEMOCRATIC SERVICES, CLEMONDS HEY, WINSFORD

TEL [01606] 868804

BACKGROUND PAPERS: STAFFING COMMITTEE - DISCIPLINE AND GRIEVANCE UPDATE (16 NOVEMBER 2020)

Table 1 – Number of Discipline cases from 2018 to 2021 (to date)

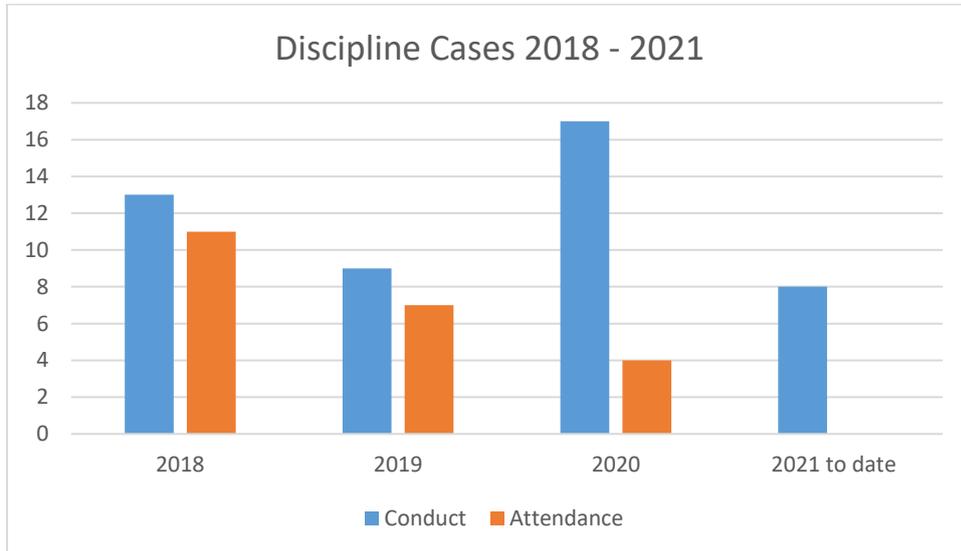


Table 2 – Outcome of 2020 Discipline Cases by Staff Group

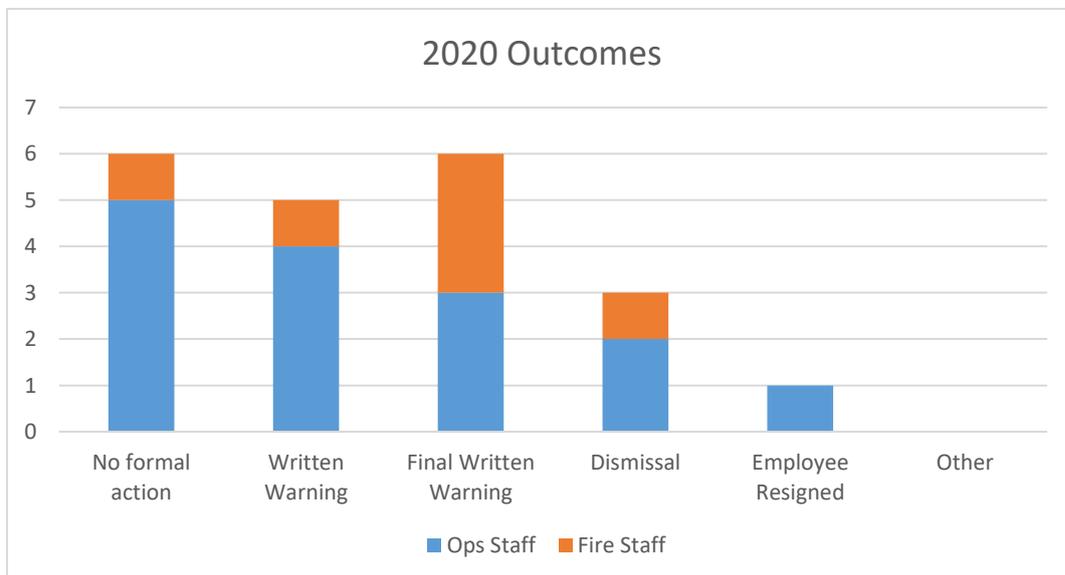


Table 3 – Grievances by Staff Group

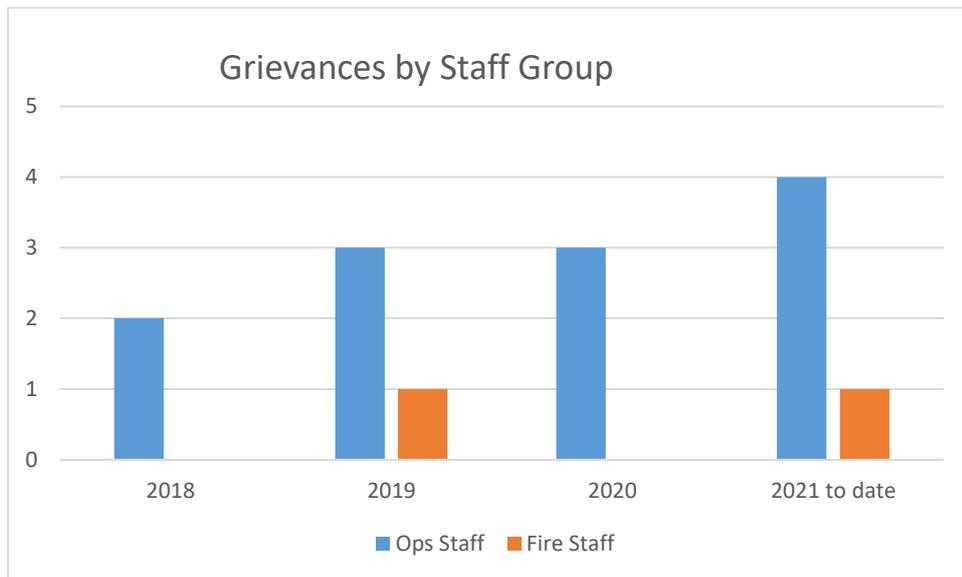


Table 4 – Grievances by Gender (all staff groups)

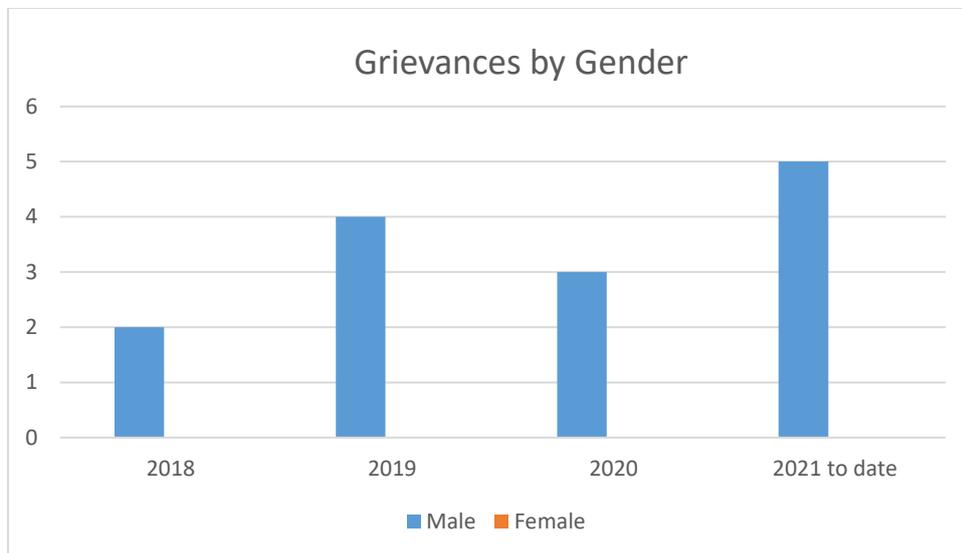


Table 5 – Dignity at Work Complaints by Staff Group

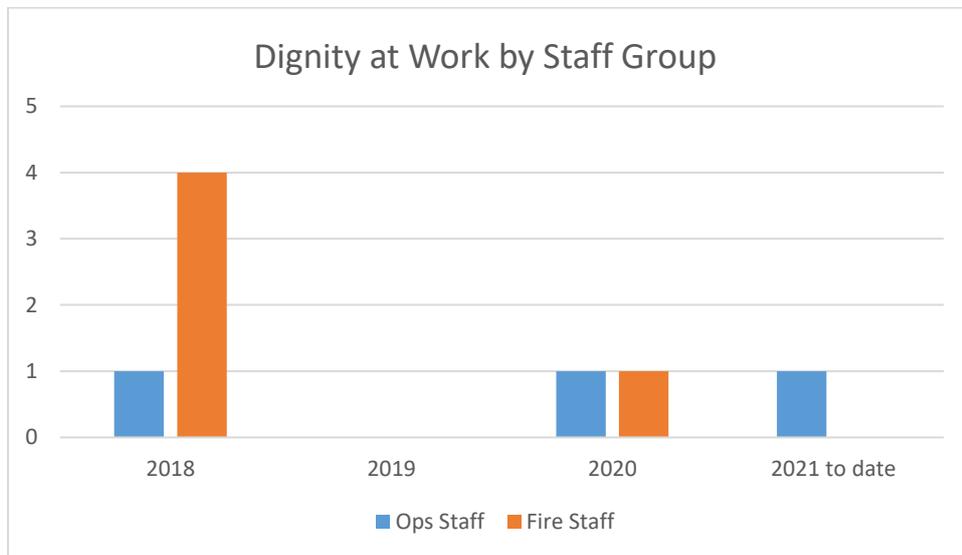


Table 6 – Dignity at Work Complaints by Gender

