

WEST DUNBARTONSHIRE COUNCIL

Report by Head of Human Resources and Organisational Development

Joint Consultative Forum – 16 December 2011

Subject: Discipline, Grievance and Dignity at Work Information

1. Purpose

- 1.1** To provide the Joint Consultative Forum (JCF) with information on disciplinary, grievance and dignity at work cases which were live as at 30th September 2011 (end of Quarter 2) and to provide a summary of cases concluded during the period.

2. Background

- 2.1** Discipline, grievance and dignity at work figures are reported on a quarterly basis to the JCF. From Quarter 2 (2011/12) these reports will provide a *point in time* snapshot of live cases at the end of each quarter and a summary of cases concluded during the quarter.
- 2.2** Going forward the report will also compare case totals with previous quarters to show trends and to identify any hotspots which may require further investigation at a departmental level.

3. Summary of Discipline, Grievances and Dignity at Work cases during Quarter 2

- 3.1** The attached appendices detail the Discipline, Grievance and Dignity at Work case activity during the quarter.

Live Cases as at 30th September 2011

- 3.2** There were a total of 25 live disciplinary, grievance or dignity at work cases as at 30th September 2011. See appendix 1 for more detail.

Cases Concluded During Quarter 2

- 3.3** A total of 24 disciplinary, grievance or dignity at work cases were concluded in Quarter 2. See appendix 2 for more detail.

Employment Tribunal Cases

- 3.4** Appendix 3 provides an update on cases which have been lodged at Employment Tribunal. This includes equal pay claims lodged by 225 staff.

Appeals Committee

- 3.5** Legal, Democratic and Regulatory Services (LDRS) aim to schedule 2 Appeals Committee Hearings per month, with additional hearings as required. 4 Appeals were scheduled to be held during quarter 2. Details are shown below.

Month	Date Scheduled	Outcome	Comment
July	Summer Recess		
	Summer Recess		
August	11 th August 2011	Upheld	Employee Reinstated
	18 th August 2011	Partially Upheld	Recommendation for review of recruitment practice
Sep	8 th September 2011	Upheld	Recommendation for review of recruitment practice
	15 th September 2011	Postponed	Stage 2 manager unavailable

3.6 The quarter 2 report showed that at 30th September 2011, 13 appeals were waiting to be heard. Since the end of the quarter HR have been working with trades unions, managers and employees to seek resolution to a number of these outstanding appeals. It can be reported that as at 1 December 2011 the number of appeals which remain to be heard by the Appeals Committee has reduced to 4.

3.7 HR&OD will continue to identify positive actions which can be taken to support an effective framework for dealing with discipline and grievance issues. The key actions to date are:

- Review number of grievances which were outstanding at Stage 3 and seek resolution to these with all parties.
- Reduce number of days taken to deal with grievances. To support this aim a monthly report will be submitted to CMT providing a breakdown on grievance cases within each department and timescales. This will enable CMT to seek action from their Managers to progress cases.

4. People Implications

4.1 The number of disciplinary, grievance and dignity at work cases being managed can impact on both the Council's image as a good employer, and the morale of employees. It is critical that the processes for the management of discipline, grievance and dignity at work cases are adhered to and that every effort is made to meet agreed timescales in order to avoid unnecessary delay to the resolution of issues which impact on the management of employees and service delivery.

5. Financial Implications

5.1 At present there is no mechanism for measuring financial implications. Factors such as time spent on investigations, attending hearings and the preparation of Employment Tribunal cases have an indirect financial impact on the Council. There are also additional direct costs associated with

financial awards as a result of internal appeals cases or Employment Tribunals.

6. Risk Analysis

- 6.1** Without robust grievance and disciplinary procedures there is a risk to the Council of general unrest, internal disputes within the Council and employees submitting claims to Employment Tribunals for failure to comply with best practice in line with the ACAS Code of Practice and our own procedures.

7. Equalities, Health & Humans Rights Impact Assessment (EIA)

- 7.1** A screening of the report method has been carried out and no significant negative impact has been identified. No individuals are identified in this report.

8. Strategic Assessment

- 8.1** The effective management of discipline, grievance and dignity at work matters supports the Council's strategic priority to ensure effective service delivery to provide fit for purpose services. Compliance with timescales improves early resolution of disciplinary, grievance and dignity at work cases which directly impacts upon employee morale and service delivery.

9. Conclusions & Recommendations

- 9.1** The Council is committed to continuous improvement of the procedures it has in place for hearing and resolving disciplinary, grievance and dignity at work matters. A number of steps have been taken to address issues and whilst improvement has been made in relation to timescales for Stage 1 and Stage 2 hearings there are still significant delays at Stage 3.
- 9.2** Forum members are asked to note the contents of this report and the action taken by HR&OD to improve the discipline and grievance framework within the Council.

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Appendices: Appendices 1-3

Background Papers: Not applicable

Wards Affected: Not applicable