

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

For Information

17th DECEMBER 2009

Report of: Service Director: Strategic HR & Workforce Strategy

Title: Grievances & Disciplinary Appeals

Ward: City Wide

Officer Presenting Report: Rachel Falla, Employee Relations Manager

Contact Telephone Number: (0117 92) 22215

RECOMMENDATION

That the Committee

(1) Notes the contents of the report which sets out the situation regarding current grievance and disciplinary appeals.

(2) Notes the wording of the minute from the October 2009 meeting of this Committee (paragraph 3.1 refers).

Summary

The report highlights the status of all employee appeals lodged with Democratic Services since June 2009 and their current status.

The significant issues in the report are:

- All outstanding appeals that have been lodged have an appeal date set, excepting one case due to sickness.
- That there have been 13 disciplinary appeals since June 2009, of which 4 remain to be heard.

- That there have been 8 grievance appeals since June 2009, of which 2 remain to be heard.

1. Policy

- 1.1 The policy of the Council is that employee appeals relating to grievances and dismissals are considered by the Employee Appeals Committee. Employee appeals for staff who work in schools are the responsibility of individual governing bodies, and are not covered by this report.

2. Consultation

2.1 Internal

Not applicable.

2.2 External

Not applicable.

3. Context

- 3.1 At the October 2009 meeting of this Committee, officers were requested to provide a report in accordance with the following minute:

Extract of notes of HR Committee

Protocol relating to stage 3 grievance hearings (minute no. HR 19.9/09): Members discussed this matter further, and noted that the GMB had submitted a further public forum statement to this meeting on this issue. Following discussion, it was noted that officers would liaise with the GMB to clarify the position regarding the individual case referred to in the public forum statement. It was also agreed that officers should submit a report to the committee, as soon as possible, reviewing the position in terms of the administration of all current grievance cases and

disciplinary appeals, particularly in relation to whether target timescales were being met. The report should be submitted to the committee as a public report (i.e. individuals or individual case details should not be disclosed).

- 3.2 The appendices provide the Committee with information on the current status of employee appeals. This confirms that most appeals are being dealt with in a timely manner, which shows a marked improvement from the situation which existed two to three years ago.
- 3.3 The minute set out in paragraph 3.1 above refers to “all current grievance cases and disciplinary appeals”, it was probably intended that it was either:
 - (i) all current grievance and disciplinary cases, or
 - (ii) all current grievance and disciplinary appeals.
- 3.4 With regard to subparagraph 3.3(i) above, it should be noted that this information is now held by HR/STS at Somerfield House. Under improvements arising from the Vision ER system, it may be possible to supply some casework data at a future meeting. This is not a current priority however, given arrangements around the opening of the service on 7th December 2009.

4. Proposal

- 4.1 This report is submitted to this Committee for its information.

5. Other Options Considered

- 5.1 Not applicable.

6. Risk Assessment

- 6.1 Not applicable.

7. Equalities Impact Assessment

- 7.1 Not applicable.

Legal and Resource Implications

Legal

This Report details the status of all employee appeals since June 2009. The ACAS Code of Practice for Disciplinary and Grievance Procedures which came into effect in April 2009 advises that there should not be “unreasonable delay” in holding meetings which form part of disciplinary and grievance procedures. The Code is taken into account by Employment Tribunals in relevant cases and a failure to comply with the Code may lead to an increase in any compensation payable of up to 25%.

In light of this, every effort should be made to ensure that any delays in hearing appeals are minimised.

(Legal comments provided by Husinara Jones for Head of Legal Services).

Financial

(a) Revenue:

None sought

(b) Capital:

None sought

Land

Not applicable

Personnel

Employee appeals have to be dealt with in accordance with the Grievance and Disciplinary procedures. See also paragraphs 3.1 to 3.4 above.

Appendices

Appendix A - Current Appeals Progress Schedule - Commencing 5 June 2009 - Disciplinary Appeals

Appendix B - Current Appeals Progress Schedule - Commencing
5 June 2009 - Grievances

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background Papers:

None

Appendix (5) A

Disciplinary Appeals

| Department of Appellant | Date Lodged | Date of Appeal | Dates Agreed by Both Sides for hearing | Number of times arranged | Commentary |
|-----------------------------------|--------------|----------------|--|--------------------------|---|
| City Development | 16 March | Withdrawn | 7 July | 2 | Cancelled twice by the appellant |
| Neighbourhoods | 21 April | 14 August | 28 July | 1 | Scheduled following member training |
| Neighbourhoods | 5 May | 10 August | 14 July | 1 | Scheduled following member training Availability of management Witness |
| Neighbourhoods | 6 May | 14 July | 14 July | 1 | Scheduled following member training |
| City Development | 11 May | 14 September | 9 July | 1 | Scheduled following member training Availability of management witness |
| Children & Young People's Service | 22 June | Withdrawn | | 1 | |
| Neighbourhoods | 18 August | 13 November | 19 October | 2 | Appellant cancelled first date and confirmed second on 19 October |
| City Development | 10 August | 16 November | 3 November | 1 | |
| Neighbourhoods | 14 September | 27 November | 18 September | 1 | Date agreed with Trade Unions |
| Health & Social Care | 27 August | tba | 1 October | 2 | Due to management side sickness |
| Health & Social Care | 27 August | 9 December | 24 November | 2 | Appellant cancelled first date |
| Children & Young People's Service | 11 November | 29 January | 30 November | 1 | |
| Resources | 2 November | 5 February | 30 November | 1 | |

Appendix (5) B

Grievances

| Name of Appellant | Date Lodged | Date of Appeal | Dates Agreed by Both Sides for hearing | Number of times arranged | Commentary |
|----------------------|--------------|----------------|--|--------------------------|--|
| Neighbourhoods | 17 June | 25 September | 1 September | 2 | Originally scheduled for 31 July postponed by Management due to unavailability of management witness |
| Resources | 8 April | 28 September | 4 September | 2 | Meeting was adjourned on 4 th September, to allow appellant to be represented |
| Neighbourhoods | 20 April | 18 August | 28 July | 1 | 28 July Appellant and TU agreed the date scheduled |
| Resources | 8 June | 24 July | 13 July | 1 | 13 July Appellant and TU agreed the date scheduled |
| Health & Social Care | 1 July | 15 January | 19 November | 2 | |
| Transformation | 24 August | Withdrawn | | | |
| Resources | 26 August | Withdrawn | | 1 | |
| Neighbourhoods | 23 September | 11 December | 16 November | 1 | Scheduling and clarification on grievance issues |