

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

## **SCRUTINY COMMITTEE**

**10 October 2018**

### **1. DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

- 1.1 THAT the contents of the Dispute Resolution Report for the period 1 January 2018 to 30 June 2018 are noted by the Scrutiny Committee.
- 1.2 THAT the Dispute Resolution Report noted by the Scrutiny Committee is submitted to the Joint Consultative Panel.

### **2. PURPOSE OF REPORT**

To inform the Scrutiny Committee regarding the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity that have occurred during the period of 1 January 2018 to 30 June 2018.

### **3. BACKGROUND**

- 3.1 This report provides a summary of the number, type and outcomes of disciplinary, grievance, debriefs, collective Grievances and any reported failure to agree or failure to consult.
- 3.2 Within this report we will identify any lessons learned. This considers feedback and regular discussions with Trade Unions/Representative Bodies and other employees within the Service. Feedback is also noted after case debriefs which we hold once a case has come to an end. Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party meetings.

#### 4. **SUMMARY OF CASES**

##### 4.1 **Grievances:**

5 Grievances were received during this reporting period

3 of the grievances related to allegations of Bullying and Harassment and 2 related to issues around Terms and Conditions of employment.

Whilst there were discussions that took place to look to resolve these matters informally all 5 Grievances went to a formal meeting.

In 1 case of Bullying and Harassment the Grievance was upheld and a subsequent management enquiry was commissioned, which is still ongoing. The employee did not appeal this outcome.

1 case relating to terms and conditions of employment was not upheld at the first meeting there was an appeal lodged and again this was not upheld. There has been no associated Employment Tribunal.

The remaining 3 cases (2 of Bullying and harassment and 1 relating to Terms and Conditions of Employment) have all had formal meetings and the Grievances have not been upheld. All 3 cases are subject to an Appeal Process which will be reported in the next report for the period July to December 2018.

The Service is in receipt of 2 Employment Tribunals that are related to 2 of the Grievances above.

The grievances received were from Grey Book, Male employees. Following analysis of the equality data there has been no impact on any specific group. Please refer to appendix 1 which has a full breakdown of the equality data for each case.

Business partners work very closely with line managers to identify any concerns at the earlier stages, which helps resolve issues informally.

Monthly breakdown on all grievance cases are given at the Joint Working Party which is attended by trade unions and the relevant managers.

#### 4.2 **Disciplinary:**

There were 14 cases (11 at Gross Misconduct and 3 at Misconduct) detailed as follows:

A single incident from 1 station resulted in 8 of these disciplinary investigations, this was fully investigated with and all cases progressed to a formal hearing. These were allegations that were related to a breach of the Services Core Values.

Of these 8 cases deemed as Gross Misconduct there were: 2 dismissals (1 reinstated in appeal and reduced to a Final Written Warning) and 6 Final Written Warnings.

Only those employees that were dismissed appealed the decisions and of which 1 remains dismissed. The Service has not received an Employment Tribunal relating to this matter from any employees.

3 of the remaining cases were investigated at Misconduct and were related to behaviours of the employees both to other employees and external members of the public. 2 of these are being progressed to a formal hearing with the outcomes to be reported in the next reporting period. The remaining case went to a formal hearing in this period and the award was a First Written Warning. This was subject to an appeal the original hearing outcome was upheld.

The 3 remaining cases in the period were investigated at Gross Misconduct, 2 cases were an alleged breach of core values, 1 did not progress to a formal hearing following investigation and 1 has been progressed to a formal hearing the outcome of which will be in the next reporting period. 1 case is relating to criminal investigation and is ongoing.

There were no hearing outcomes from the previous reporting period.

Debriefs are been undertaken for each of these cases.

All but 1 disciplinary cases involved male employees, with a variance of ages, race and religion. There has not been any impact on any particular group. Please refer to appendix 1 which has the full breakdown of equality data for each case.

People Support Services work very closely with the managers and trade unions and resolve issues at the very early stages, New managers are 'buddied up' when dealing with any disciplinary investigations which supports their development.

Monthly breakdown on all disciplinary cases are given at the Joint Working Party which is attended by Trade Unions and the relevant managers.

People Support Services Business Partners have regular meetings, discussions and dialogues with Trade Unions to keep them informed of any issues in an attempt to resolve them at an earlier stage. It is hoped this approach will assist in avoiding circumstances developing into disciplinary or grievances proceedings.

## 5. **EMPLOYMENT TRIBUNALS**

The Service during this reporting period has received 3 Employment Tribunal Claims. 1 was a collective claim by 85 employees relating to an allegation of a specific employment law breach. The Service provided a response to this claim to the Tribunal Services, this case has now been withdrawn by employees with no liability for the Service.

The other 2 Employment Tribunals are relating to Grievances reported in section 4 of this report. The Service is preparing their response to these claims and progress will be reported in the next period.

## 6. **DEBRIEFS AND LEARNING OUTCOMES**

A report was submitted to the Joint Consultative Panel detailing a review of Case Management Debriefs in September 2018. This report covered all learning from the debriefs for this reporting period. In future reports a summary of all debriefs will be included and all learning and actions identified.

## 7. **POLICIES AND PROCEDURES**

The Disciplinary Standing Order is currently under formal consultation with Joint Consultative Committee members. Trade unions and stakeholders have been fully involved when making any changes to this Standing Order.

The Grievance Standing Order has been reviewed and consulted on. Trade unions and stakeholders were fully involved whilst this was under review and consultation.

The Service has recently provided management training on a range of people management training including Discipline and Grievance, this was available to all supervisory managers and a supporting training package has been developed.

## 8. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The Service's Policies that are applied in all case management have been subject to full Equality Impact Assessments.

## 9. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

## 10. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

**BACKGROUND PAPERS**

Disciplinary Standing Order 2/1

Grievance Standing Order 2/2

Previous JCP reports Dispute Resolution Reports 0-15 and Review of Case Management Debriefs.

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PHIL LOACH  
CHIEF FIRE OFFICER