

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

26 MARCH 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 July 2017 to 31 December 2017 are noted.
- 1.2 THAT the contents of the dispute resolution report are 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 1 July 2017 to 31 December 2017.

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 any lessons learned have been identified. The report also considers feedback and regular discussions with Trade Unions/Representative Bodies and other employees within the Service. Feedback is also noted after case debriefs are held once a case has come to an end. Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party (JWP).

4. **SUMMARY OF CASES WMFS**

Grievances: 6 grievances were received, all from Grey book male employees.

- 3 grievances lodged due to the removal of Continued Personal Development (CPD) payment all three hearings resulted in no payment of CPD.
- 1 employee had requested to be transferred to a station, there was a space at this station which was filled by a new entrant. This resulted in the employee lodging a grievance. The grievance was heard and the decision was not changed however the employee did appeal which again did not change the decision.
- 2 grievances were lodged by employees who stated that they felt bullied by their line managers. All individuals were interviewed and there was no evidence that either party was being bullied, however both appealed the decision. The first appeal was heard and development plans have been put in place for both the employee and the line manager. The second appeal has not yet been heard and is scheduled in.

For this reporting period the number of grievances has increased from the last reporting period. The previous report showed that there were 2 grievances lodged within a 6-month period.

This reporting period shows there have been 3 grievances lodged for the same reason, the removal of CPD. The management decisions to not approve CPD are made by 1 July. 2 grievances were bullying and harassment and the final grievance related to the location of work.

All grievance case information is discussed at monthly JWP meetings with the Trade Unions. Business Partners work closely with line managers to promote regular discussions with their teams to resolve any issues.

People Support Services will be providing "train the trainer" and employment law classes throughout this year, this will help train, coach and develop existing and newly appointed line Managers.

Business Partners are also running table top exercises at Stations to develop all employees at all levels of Disciplinary and Grievances.

Protected Characteristic Data (6 grievance cases)

- 6 male employees are all Grey Book
- 4 married, 1 living with partner and 1 single
- 5 heterosexual and 1 prefer not to state
- 1 Scientology, 1 other religion, 1 Christian, 1 Muslim, 1 prefer not to state and 1 other religion
- 1 has a disability, 4 no disability and 1 has not entered any information
- Age: Under 30 = 1 employee, age 31-45 = 2 employees, age 46-55 = 3 employees.
- 5 employees are White and 1 is Asian

Disciplinary: There were 8 cases detailed as follows:

1 case was investigated as misconduct and did not reach hearing as there was minimum evidence. Grey Book male employee.

2 cases were investigated as Gross Misconduct, both were Green Book employees. Both of these cases resulted in resignation prior to hearing. Both of these employees were Muslim male employees.

4 cases were investigated as Gross Misconduct and all went to hearings. All 4 cases were linked to 1 incident which was a high rise tower block (Cleveland Tower). 3 hearings resulted in 6 month written warnings and 1 resulted in a final written warning for 18 months. The 18-month warning was appealed; the award was reduced to a 6 month written warning.

1 case was investigated as Gross Misconduct, this took place due to the employee breaching a previous live warning of 18 months. This individual was dismissed from the organisation. There was an appeal which did not change the decision and did not result in an Employment Tribunal.

Protected Characteristics Data (8 disciplinary cases)

- 8 male employees, 6 Grey Book and 2 Green Book
- 4 single, 1 living together, 3 married
- 5 heterosexual and 3 Prefer not to say
- 3 Asian, 4 White and 1 Black male
- 4 employees prefer not to state their religion, 2 Muslim men, 1 Christian man and 1 other religion
- 7 employees do not have a disability and 1 employee did disclose that they have a disability.
- Age: under 30 =1 employee, under 40 =3 employees, under 50 = 4 employees

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.

People Support Services will be providing Employment Law training delivered by an external Employment Law Professional.

Monthly breakdown on all disciplinary cases are provided 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 on any issues and to help resolve at the earlier stages which could stop developing into disciplinary or grievances.

5. **FAILURE TO AGREE/CONSULT**

The organisation received 2 Failure to Consults in July and October 2017 which were dealt by our Strategic Enabling Team and arrived at a satisfactory resolution.

6. **POLICIES AND PROCEDURES**

Disciplinary Standing Order is live and up to date and went through full consultation via JCC. Trade unions and staff have been fully involved when making any changes to this Standing Order.

Grievance Standing Order is live and up to date and went through full consultation via JCC. Trade unions and staff have been fully involved when making any changes to this Standing Order.

7. **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.

8. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

9. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

Disciplinary Standing Order 2/1, Grievance Standing Order 2/2
Previous JCP reports '01' to '10'

The contact officer for this report is Phil Hales, Deputy Chief Fire Officer,
0121 380 6907.

PHIL LOACH
CHIEF FIRE OFFICER