

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

SCRUTINY COMMITTEE

23 MAY 2022

1. **DISPUTE RESOLUTION REPORT**

Report of the Chief Fire Officer

RECOMMENDED

1.1 THAT the contents of the Dispute Resolution Report for the below period is noted:

- 01/10/2021–31/12/2021 (3 calendar months)

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 has occurred during the period listed above.

To inform the Scrutiny Committee that this is a shorter reporting period and the reason for this is to bring the reporting period back in line with pre Covid-19 agreed meetings.

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 from the application of our then current practices but also a full and comprehensive review and stakeholder engagement in relation to the disciplinary and grievance policies. The revisions and crucial conversations management training is aligned to the Discipline policy which went live from 1 July 2021 and the Grievance Policy which went live November 2021.

Following on from crucial conversations courses and to support the ongoing development of our managers, we are delivering sessions covering 'The Manager as Mediator'. These sessions are run by the same organisation who delivered Crucial Conversations Line Managers sessions. We also considered 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.

3.3 Discussions frequently take place at Joint Consultative Committee and monthly Joint Working Party meetings around the application of the case management policy.

4. **SUMMARY OF CASES**

4.1 **Grievances**

Summary of Grievance Position

During this 3 month reporting period there have been 4 grievances lodged.

1 grievance started as a collective grievance with multiple employees, however because of the fact finding exercise all employees except 1 withdrew from the process, culminating in 1 stand-alone individual grievance.

- 3 grievances were grey book (Male)
- 1 grievance was from Control (Female)

Grievance 1	Working relationships, behaviours and leadership styles displayed by management.	Fact-finding investigation resulted in the grievance no longer being a collective matter but an individual grievance that was not upheld, no appeal was lodged.
Grievance 2	Employee believed to be substantiated in line with the current Managing Vacancies policy.	With the agreement of all parties this grievance was managed informally, the outcome was that the employee accepted 'Manager A' position which became available.

Grievance 3	Employee did not wish to declare their Covid vaccination status	Grievance was not upheld, and an appeal has been lodged. The outcome following appeal meeting was that this grievance was upheld.
Grievance 4	Retired Employee raised a grievance based on age discrimination around his retirement dates.	Appeal part upheld and ACAS early conciliation has taken place with all parties. The employee has made a claim to the employment tribunal

Position	Green or Grey	Gender reassignment	Age	Ethnicity/Race	Sexual Orientation	Disability	Marital Status	Pregnancy or maternity	Religion or belief
WCdr A	Grey	Male	53	White - english	DNS	No	Civil partnership	N/A	Christianity
WCdr B (Control)	Grey	Female	48	White - english	Heterosexual	No	Married	DNS	None
FF	Grey	Male	40	White - english	DNS	No	Single	N/A	DNS
CCdr	Grey	Male	45	White - english	Heterosexual	No	Married	N/A	Christianity

Analysis of the equality data supports no impact on any specific group. The above table will confirm a full breakdown of the equality data for each case.

It was identified through policy consultation, SET, Stakeholder engagement, Trade Union feedback that management training is required to support the Grievance process, which has been picked up by PSS Management. The day-to-day management of people and specifically through the formal investigation process has also been factored.

Monthly breakdown on all grievance cases is presented at the HR Joint Working Party meeting.

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Ref. AU/SC/2022/May/11005223

4.2 Disciplinary Cases

There were 5 disciplinary cases in this 3 month reporting period.

- 5 were grey book male employees
- 4 cases were investigated under Gross Misconduct
- 1 investigated under Misconduct

Disciplinary 1 Misconduct	Employee breaching the Covid rules that were set out by the Brigade, did not adhere to self-isolation instruction following close contact with someone who had tested positive for Covid-19	Outcome 6 months written warning; no appeal logged
Disciplinary 2 Gross Misconduct	Inappropriate conduct and physical contact towards a female employee	Outcome 6 months written warning; no appeal logged.
Disciplinary 3 Gross Misconduct	Inappropriate usage of West Midlands Fire Service ICT equipment.	The outcome was that there was no case to answer.
Disciplinary 4 Gross Misconduct	Alleged criminal charges in relation to GBH	Investigation ensued to a formal hearing where the outcome was a 12 month final written warning. No appeal lodged.
Disciplinary 5 Gross Misconduct	Safeguarding alert disclosure to West Midlands Fire Service	External investigation resulted in dismissal; Appeal lodged dismissal outcome upheld.

Position	Green or Grey	Gender reassignment	Age	Ethnicity/Race	Sexual Orientation	Disability	Marital Status	Pregnancy or maternity	Religion or belief
FF	Grey	Male	28	White - english	Heterosexual	No	Single	N/A	None
WCdr B	Grey	Male	43	White - english	Heterosexual	No	Single	N/A	Not Stated
T/FF	Grey	Male	35	White - english	Prefer Not to State	Not Stated	Single	N/A	None
FF	Grey	Male	65	White - english	Heterosexual	No	Single	N/A	Christianity
FF	Grey	Male	30	Mixed - White & Asian	Not stated	Not stated	Single	N/A	Not Stated

Analysis of the equality data there has been no impact on any specific group. The above table will confirm a full breakdown of the equality data for each case.

5. **EMPLOYMENT TRIBUNALS**

The Service has received 1 employment tribunal for claims under racial discrimination during this reporting period, there are no scheduled ACAS early conciliation meetings for this case.

Separately to the above, there has been 1 early conciliation case late December and the employee has made a claim to the employment tribunal.

6. **DEBRIEFS AND LEARNING OUTCOMES**

Substantial revisions continue to be made to our policies, toolkits, procedures and practices.

7. **TRAINING AND DEVELOPMENT FOR LINE MANAGERS**

Following feedback from SET the trade unions and managers through the Disciplinary and Grievance stakeholder group and HR JWP a decision has been taken to provide those involved in people management including Trade Unions, line managers and PSS Business Partners training through external training providers ACAS and ABD CCT (achievement by design Coaching Consulting training). The training that was provided is stated below:

- **Disciplinary Investigations** (78 managers and BPs attended)
- **Disciplinary Commissioning and Appeals** (29 managers and

- BPs attended this course *(limited availability with this course)*
- **Crucial Conversations** (68 managers, BPs and Trade Unions officials attended)
- **The Manager and Mediator courses** (562 attendees this includes BPs)

8. **POLICIES AND PROCEDURES**

The Disciplinary policy and the Grievance policy are available for all employees on MESH. Detailed analysis and a fresh review of these processes is currently underway as part of the Head of HR Enabler objectives.

Disciplinary Policy and Toolkit

Following an extensive engagement process, we have made some significant changes to the way we develop and engage on our people policies. All our policies are currently consulted with our Trade Unions, and on considering lessons learnt, information from our debrief process and feedback from managers and trade unions we have identified further areas of improvement.

As an outcome of this feedback, we have revised the new discipline policy to provide a clear and concise framework to support managers decision making and application of the process.

The supporting toolkit contains additional supportive information, guidance, and template documents.

The revised policy focuses on the informal process, trying to resolve issues early, sharing advice and guidance through the day-to-day management and in a timely manner. This will help to resolve issues where appropriate and prevent escalation. Our PSS Business Partners will also be meeting with managers to go through the changes to support understanding and the application of the policy.

All employees are made aware that they need to be accountable for their conduct and behaviours and Managers need to ensure the expectations on all staff to uphold our core values.

In support of this we have provided crucial conversations training to all managers to support the early intervention and conversation to prevent the escalation of an issue to formal disciplinary stages. This will also assist in managing the informal stage of the discipline policy should it be

required.

Managers will carry out this training as part of their ongoing development and need to book on to People Management training for crucial conversations.

9. **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.

10. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

11. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

Disciplinary Policy 2/1

Grievance Policy 2/2

Previous JCP reports Dispute Resolution Reports 0-19 and Review of Case Management Debriefs.

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CHIEF FIRE OFFICER

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