

SCRUTINY COMMITTEE

REPORT OF THE TASK GROUP SET UP TO REVIEW DISCIPLINARY AND GRIEVANCE PROCEDURES

Membership: Councillors Cornwell (ex-officio), King, Mackenzie, B. Matthews,
Samuel (Chairman), Stanier.

Supported by Frances Kavanagh – Principal Scrutiny Officer

1. THE BRIEF

“To review the effectiveness with which the current disciplinary and grievance procedures are implemented”

2. GENERAL INTRODUCTION.

- 2.1 The Task Group met for the first time on 9th January 2001 and discussed its modus operandi. On the basis of informal advice from Ross Wood the Task Group agreed that it would need additionally to consider Capability, Ill-Health and Probationary procedures and the Code of Conduct. .
- 2.2. The Task group met on a further six occasions.
- 2.3 At the outset the Group decided to review both the procedures in principle and their implementation in practice. This inevitably led us to explore other personnel issues. We wished to consider whether any changes could result in a reduced need for formal procedures.
- 2.4. Whereas there is a central Personnel Department, most routine personnel issues are, of course, handled in the individual departments. Line managers deal with staff matters on a day to day basis. We believe that staff-management is a key managerial responsibility

3. METHODOLOGY

- 3.1. The Task Group met on a number of occasions and interviewed 9 witnesses:

Ross Wood – Head of Personnel – Corporate Personnel
Brenda Wardle – Employee Relations Manager – Corporate Personnel
David Streeter – Head of Service – Environmental and Operational Services
Allan Bone Support Services Manager – Environmental and Operational Services
Geoff Elford – Head of Service – Services for Adults and Older People
Steve Cowan – UNISON
Mick McKeever – UNISON

John Edwards – Principal Personnel Officer – Royal Borough of Kingston
Simon Emes – Manager Aircraft Movement – British Airways

3.2. Written evidence was also sought and received. The key documents included :

Disciplinary, Grievance, Capability, Probationary Procedures – Richmond Council
Code of Conduct – Richmond Council
Absence Management Handbook – Richmond Council
Code of Practice on Disciplinary and Grievance Procedures – ACAS
Introductory Paper prepared by Ross Wood.
Corporate Personnel Services Mentoring Scheme
Disciplinary and Grievance Procedures – Sutton Council
Grievance Procedure – Hammersmith and Fulham Council
Royal Borough of Kingston's Procedures for dealing with problems at Work Involving Conduct /Capability.

3.3 We are grateful to Ross Wood and Brenda Wardle who assisted us on a number of occasions for their invaluable help: we made considerable demands on their time and are conscious of the additional burden which we placed on them. In view of the situation outlined in 2.4. we asked David Streeter and Geoff Elford to give evidence. John Edwards, Principal Personnel Officer, of the Royal Borough of Kingston upon Thames (a former Richmond Officer) and Simon Emes of British Airways also attended as valuable witnesses to give us different perspectives. At the beginning we had agreed that it was essential that we gave serious consideration to the views of the trades unions and Steve Cowan (accompanied by Mick McKeever) attended as our first witnesses.

3.4. Some of the relevant statistics are produced as **Appendix A**. At first sight the preponderance of cases from Social Services alarmed us but, of course, the nature of the work in domiciliary and residential care places staff in a particularly vulnerable position. Moreover the record must be seen in the light of the percentage of staff involved – which is not greatly different from other departments. Mr. Edwards told us that in Kingston most of the cases also occurred in Social Services.

3.5 It was not easy for us to obtain all the statistics which could have been helpful for our review.

4. FINDINGS AND RECOMMENDATIONS.

We have grouped the essence of our report into three main sections: Issues for Members, General Personnel Issues and Aspects of Procedures.

4.1. ISSUES FOR MEMBERS

4.1.1. We were fortunate that one of our members, Councillor King, had been a member of the former Personnel Sub-Committee and gave us the benefit of his experience. There is no doubt that human resource issues are sufficiently important to justify member involvement at a senior level. We feel that the organisation of the Cabinet should be such as to ensure that human resources should fall specifically within the brief of one of its Members. Our first recommendation relates to the new structure.

RECOMMENDATION 1 – A member of the Cabinet should have responsibility for human resource issues.

4.1.2. We expect the Cabinet member concerned to undertake a specific review of the issues covered in this document. It will be important to ensure that all relevant statistics are available. Inevitably the question of member involvement in disciplinary procedures was raised and continues to be an issue between management and unions. Ross Wood believed that present situation was an improvement on previous practice whilst the staff side would prefer to return to earlier practice. It was not part of our remit to make a recommendation on this key issue but we believe that it should form part of the first review conducted by the Cabinet member. We were interested to hear that Kingston had achieved Investors in People status in all departments: supporters of this scheme maintain that liP can lead to worthwhile improvements in personnel practice. At present it is Council policy that all departments aim to secure some form of accreditation: we feel that liP is particularly appropriate. The Cabinet member will need to take this forward.

RECOMMENDATION 2 – the Cabinet member should conduct an early review of the issues raised in this report, informed by all relevant statistics, and thereafter carry out annual reviews of the effectiveness of human resource procedures.

4.1.3. We discussed the balance between human resource work at the centre and in departments. We hope that, as a result of the intention to centralise much of this work, there will be made available to all managers human resource documentation, clearly written in a format and style suited to non-specialists. It is also important that communication is improved. We trust that the eventual outcome will be the elimination of inconsistency.

4.2 GENERAL PERSONNEL ISSUES.

4.2.1. The key to good personnel management is good training. We formed the impression that at present the training of departmental managers in the various procedures is patchy. It is important that training is available at the beginning of a managerial career, even when a manager has responsibility for only a very small number of staff. We understand that in recent years training budgets have been cut: economies in training are usually false economies. The budget for the next financial year includes increased resources for training. It is essential that this is maintained. Moreover we believe that there are occasions when joint training of managers and union representatives could be beneficial.

4.2.2. We are attracted by the view that an organisation improves if members of staff who obtain internal promotion receive appropriate training for their new responsibilities. All too often it is assumed that a good member of staff who deserves, and then receives, promotion can discharge new or enhanced responsibilities without any real training: this is not so. It is essential that appropriate training is provided for all promoted staff

RECOMMENDATION 3 – that consistent and regular training be provided in the application of the Council's procedures particularly, for new managers and where appropriate, this should also be available for trades union representatives.

4.2.3 The question has to be asked: would better probation and supervision avoid the need for some of the disciplinary/grievance etc procedures? We believe that this is an approach which needs to be considered. We would like five particular issues to be explored further:-

- At our final meeting we received a copy of the Council's document on mentoring issued in January 2001. We strongly endorse the principles and practice of mentoring and would urge that the scheme set out in the document is fully implemented.
- Better, more consistent supervision may avoid certain problems. This does not apply only to managers' supervision of their staff. Managers also need supervision. Mr. Emes of BA told us that in his monthly meeting with his line manager human resource issues were always on the agenda: we believe that this is right and should be standard practice .
- Probationary procedures do not apply to those who join the Council from the service of another local authority. If it is possible to require such staff to serve a probationary period with the Council, we would welcome it: if not we believe that representations should be made at regional and national level to modify existing agreements. In the meantime it might be possible to reach local agreement on an informal scheme. We noted that a local agreement already applied in Hammersmith and Fulham and believe that this is a practice which the Council should adopt.
- Probation involves both appraisal and support: the Council will need to develop further the support that is needed for probationers.
- We believe that there is a "welfare" aspect to the human resources function and we believe that this is a service which our Council should provide.

RECOMMENDATION 4 – that in order to minimise the need for disciplinary, grievance etc procedures, probation, and supervision procedures should be reviewed, the mentoring scheme fully implemented and the welfare aspect developed.

4.3. ASPECTS OF OUR PROCEDURES

4.3.1. We are concerned by the length of time taken to resolve issues under our procedures. We accept that as disciplinary action is subject to review by tribunals and the courts all due care must be taken to ensure that procedures are fully and properly applied. Nevertheless we are concerned at the cost to the Council when a member of staff is suspended on full pay. Moreover there are varied reasons for adjournments: in the case of a dispute it is not uncommon to find that at various times both parties to the dispute are responsible for adjournments. Without a detailed analysis of the reasons for delays in all cases it is impossible to form a judgement. However at some stage it would be valuable to analyse all those cases where inordinate delays occur to

discover whether some changes in procedures could expedite matters. But as a matter of course the reasons for every adjournment should be fully documented.

RECOMMENDATION 5 – that the reasons for inordinate delays be investigated and , that if analysis suggests that changes could reduce delays, procedures should be streamlined.

4.3.2. The role of Occupational Health in cases of Ill-Health was explored. There has been some suggestion that this service is understaffed and that this has contributed to delays. We would urge that, when possible, additional resources should be provided.

RECOMMENDATION 6 – that additional resources be found for the Occupational Health service.

Conclusion: we must emphasise that our recommendations affect the Council's procedures at the margin. There have been no recent serious problems with them: from that fact we infer that the procedures themselves and their implementation are broadly operating well. The keys to further improvement lie in

- ***more and better training.***
- ***better communication within and between departments***
- ***an appropriate balance between the exercise of the human resource function at the centre and in departments.***

We believe that a Cabinet member committed to the recommendations which we have suggested should conduct a review which will lead to changes for the benefit our staff – and ultimately our residents.

**BOB KING
LIZ MACKENZIE
BRIAN MATTHEWS
GEOFFREY SAMUEL (Chairman)
ELEANOR STANIER**