

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	26 June 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Policies for People Update
REPORT NUMBER	CUS/23/186
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Isla Newcombe
REPORT AUTHOR	Kirsten Foley
TERMS OF REFERENCE	2.5; 2.7

1. PURPOSE OF REPORT

- 1.1 To provide an update on the application to date of the revised Managing Discipline, Managing Grievances and Dignity and Respect at Work policies.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Notes the data provided regarding the usage and application of the policies;
- 2.2 Instructs the Chief Officer People and Organisational Development to undertake a deep dive of the data to identify areas, managers and employees who would benefit from additional support and early intervention to prevent escalation of issues;
- 2.3 Instructs the Chief Officer People and Organisational Development to take action to reduce the length of time currently being taken at each stage of the policies as set out in paragraph 3.16 below; and
- 2.4 Instructs the Chief Officer, People and Organisational Development to report disciplinary, grievance and dignity and respect at work data to the Staff Governance Committee on an annual basis.

3. CURRENT SITUATION

Background

- 3.1 The revised Managing Discipline Policy was approved by Committee on 7 June 2021 ([Public Pack](#))[Agenda Document for Staff Governance Committee, 07/06/2021 14:00 \(aberdeencity.gov.uk\)](#)
- 3.2 The revised Managing Grievances Policy and the Dignity and Respect at Work Policy were approved by committee on 28 September 2021 ([Public Pack](#))[Agenda Document for Staff Governance Committee, 28/09/2021 14:00 \(aberdeencity.gov.uk\)](#)

3.3 It was agreed that the implementation date for all three policies would be 1 February 2022 to allow training in the new policies to be delivered to managers and communications to be shared with staff regarding the new policies.

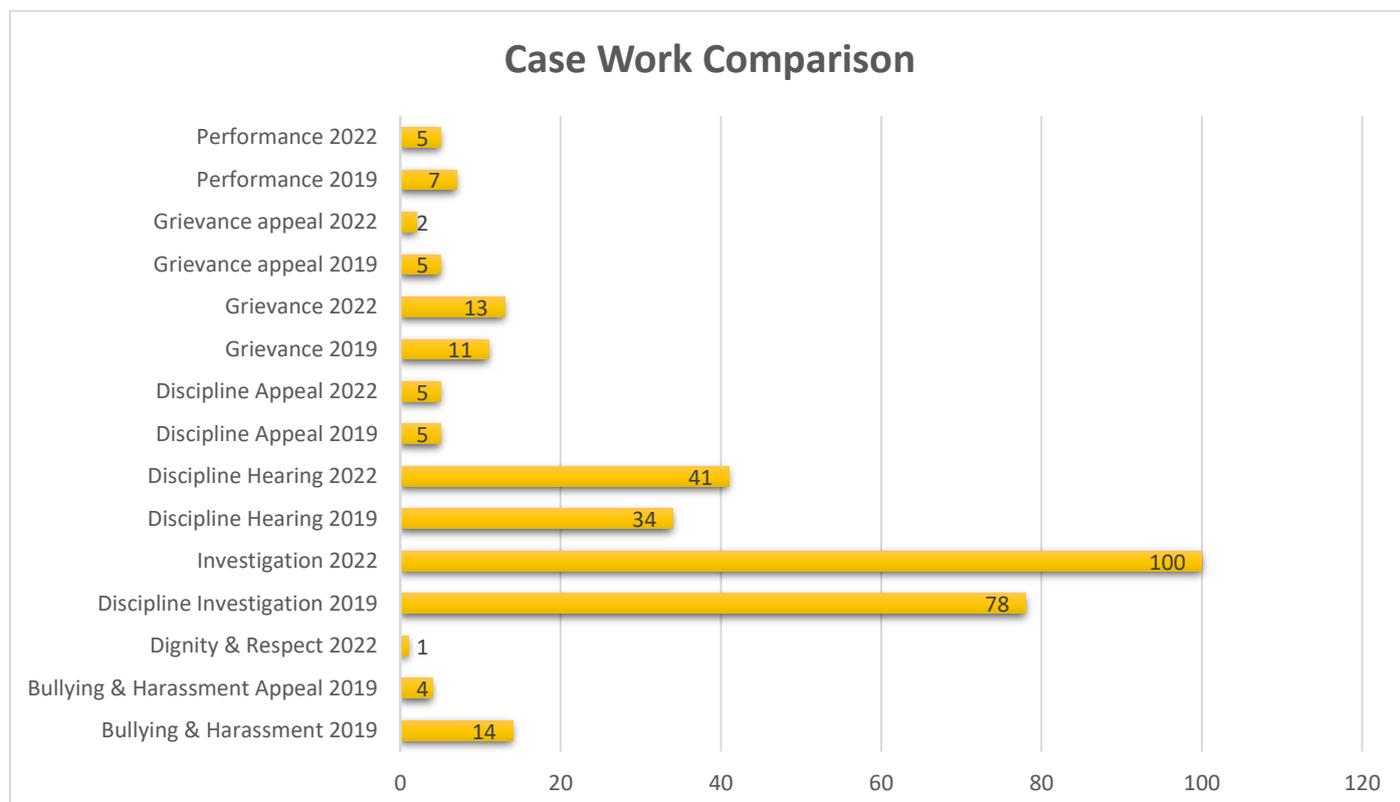
3.4 The key aims of the revised policies were to

- 1 Increase the use of informal methods of resolution and seek to deal with issues at the lowest level to avoid unnecessary escalation to the hearing stage of policies and
- 2 To introduce a single investigation process which applies to all 3 policies

Data

3.5 For the purposes of comparison, the data for 2019 has been used. The reason for this is that during the pandemic lock down periods in 2020 and 2021 restrictions meant that employee relations processes were handled differently. As a result of these changes, the 2019 data will provide the best comparison to the 2022 data.

3.6 The graph below shows a break down of the type of cases progressed in 2019 and 2022.

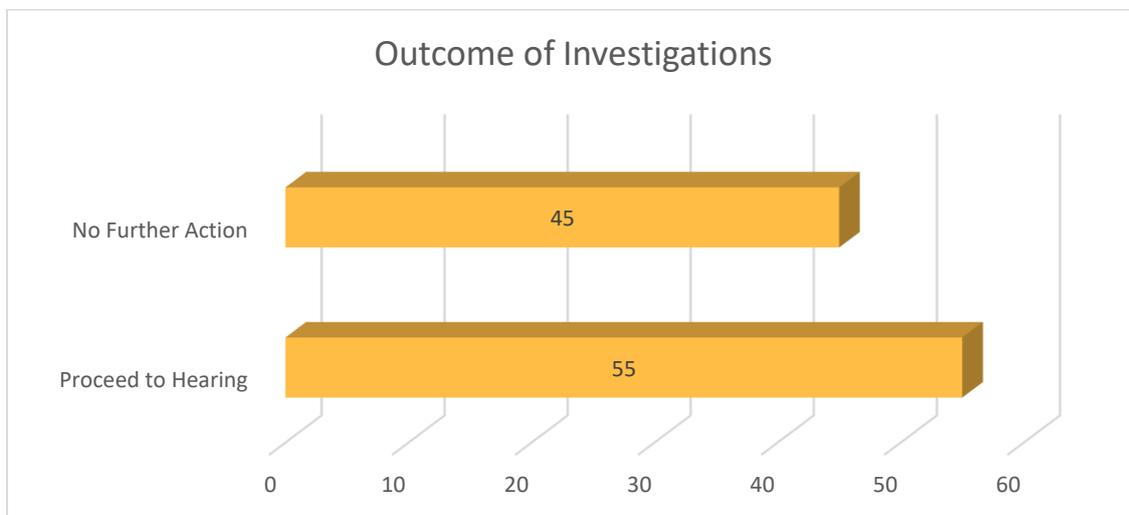


3.7 The most notable change in the data between 2019 and 2022 is in relation to Bullying and Harassment cases (now handled under the Dignity & Respect at Work Policy). In 2019, 14 cases progressed to the formal stage of the Bullying

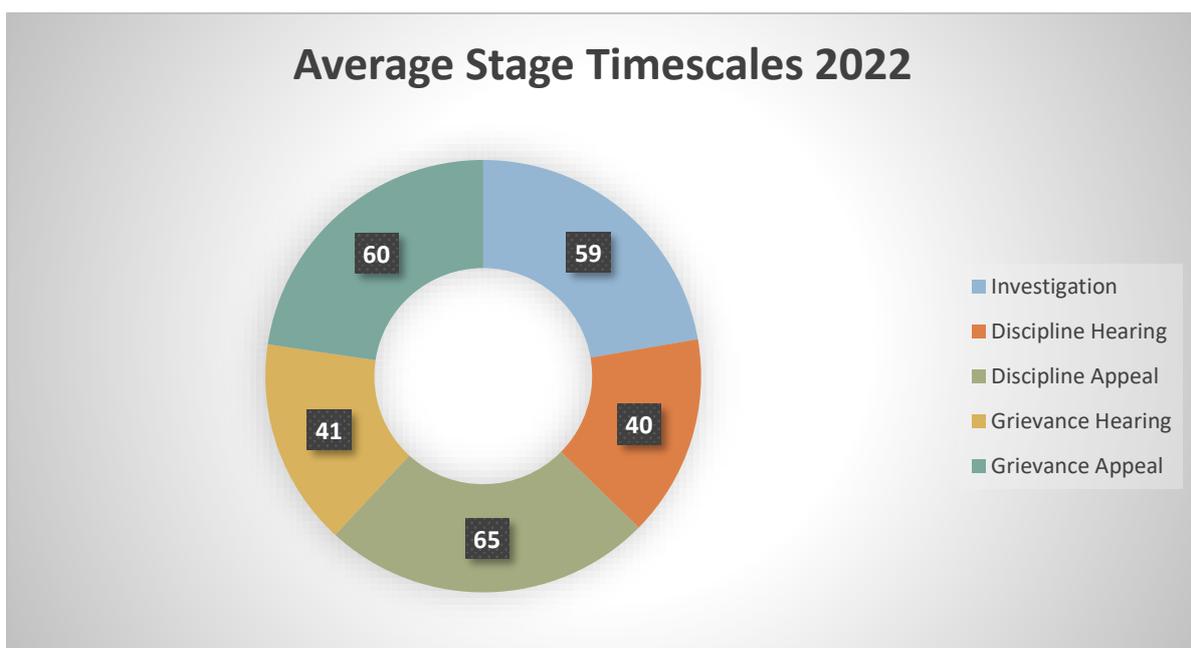
and Harassment Policy; in 2022 only 1 case progressed to the formal stage of Dignity and Respect at Work.

3.8 In the period March 2022 – present (i.e. the period during which the new policies have been in place), a total of 9 mediations between employees or employee and manager have been undertaken at the informal stage of either Dignity and Respect at Work or Grievance. As the mediation service has been relaunched, we do not have comparator figures from 2019, however this will give us a baseline figure for future comparison when reviewing the data.

3.9 The data shows that in 2022, 100 investigations took place, resulting in 55 hearings under one of the 3 policies; 45% of investigations determined, therefore, that no formal action was required. This is illustrated in the chart below:



3.10 The chart below shows the average duration of the stages of the different policies.



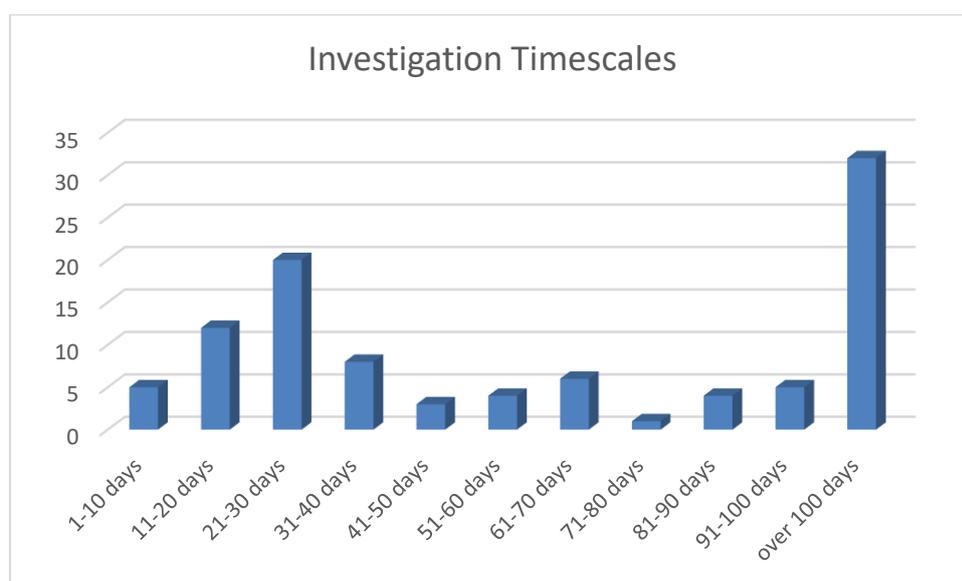
3.11 The data shows that, whilst timescales for the stages of the procedures are a matter of guidance rather than policy, in 2022 the organisation was failing to meet the preferred timescales, as detailed in the table below:

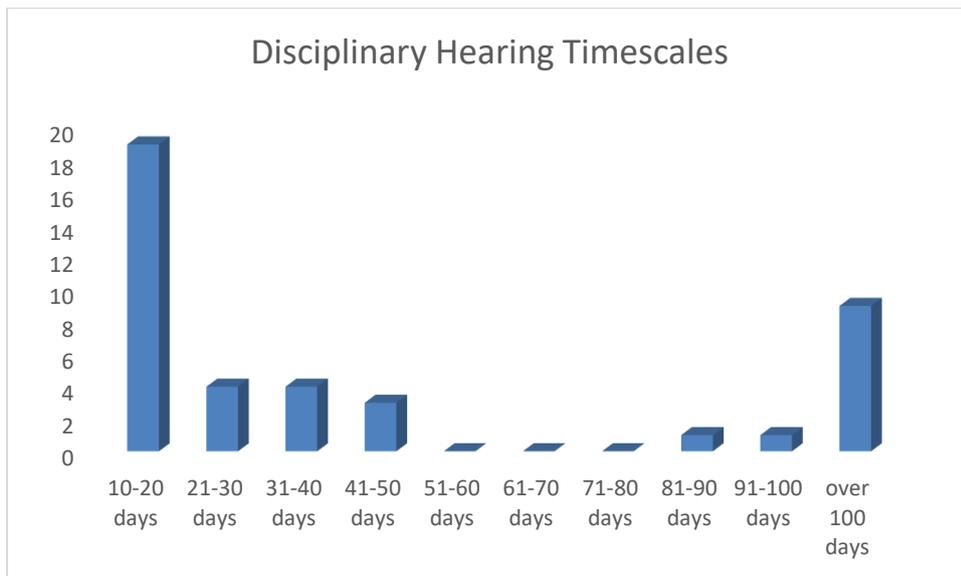
Policy Stage	Days in Guidance	Average Days 2022	Average Days Jan – Apr 2023
Investigation	20	59	34
Disciplinary Hearing	10	40	29
Disciplinary Appeal	10	65	52
Grievance Hearing	10	41	50
Grievance Appeal	10	60	25

3.12 A further detailed review of the data will be undertaken to fully understand the reasons for the delays in each individual case, however an initial review identifies that the main reasons for delays were as follows:

- Employee off sick during investigation
- School holiday periods during investigations for school based employees
- Annual leave of one of the parties to the process (employee, union rep, P&OD rep, Investigating Officer or Hearing Chair)
- Sick leave of Investigating Officer or P&OD rep
- Two investigations required to be put on hold until Police Scotland had concluded their own investigations.
- Appeals to Committee of necessity have a longer lead in time than officer appeals.

3.13 The table below shows a further breakdown of the timescales for the investigation and disciplinary hearings in 2022 by number of days taken to complete:





3.14 These preferred timescales were outlined from February 2022 and a period of adjustment and improvement is expected. The timescales for cases opened in the first four months of 2023 shows improvement in the average timescales in almost all areas, the exception being the time taken to progress to Grievance Hearing. The data for Jan – Apr 2023 remains outwith the preferred timescales contained in the guidance.

It may also be the case that these timescales are unrealistic and need further review, including exploring whether the timescales should be put on hold during periods of unavoidable delay, such as those set out above.

There will always be some cases which will exceed the days contained within the guidance for a number of reasons, as set out above, however the data shows that this is an area of significant concern and there is need for improvement.

Planned Actions for Improvement

3.15 A number of actions are proposed in order to progress cases more timeously, and these are set out below:

Proposed Action	Timescale	Perceived Improvement
Increased visibility of case work data for Service Managers	Some data now available via Employee Relations team in P&OD Data reporting being scoped as part of Dynamic 365 project.	Greater visibility of data allows for early intervention where issues are identified.
P&OD Advisors allocated to Service	Underway	Greater visibility of data and identification of any

Management Teams to attend SMT meetings quarterly to undertake deep dive of data		issues at early stage to allow intervention as appropriate from SMT or P&OD
Appointment of Employee Relations Case Work Lead	Appointment has been made and preferred candidate takes up post on 3/7/23	Additional resource within P&OD to support Advisors and managers with case work through a coaching approach; data deep dives with both P&OD advisors and SMTs; improved data reporting; allocation of Investigating Officer and Hearing Chairs
Continued roll out of Investigating Officer training *	Ongoing sessions arranged	Increase the pool of trained IOs to allow cases to be allocated more quickly
Refresh training for Hearing Chairs	Training need being scoped	Reduce delays in arranging hearings through increasing confidence in Charis that they fully understand the process
Review preferred timescales	By Dec 2023	Further analysis of reasons behind the actual time being taken will allow realistic timescales to be set which allow for a thorough process to be followed whilst progressing matters timeously.

* Currently there are 117 trained Investigating Officers in the pool. Since May 2022 a total of 122 individuals have completed the online training course, and 33 have completed the training workshop. Ultimately, the aim is for all managers to attend the training for Investigating Officers as part of their recommended training. Currently around 17% of employees at management level have completed the training.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			Yes
Compliance	No significant risks identified			Yes
Operational	No significant risks identified			Yes
Financial	No significant risks identified			Yes
Reputational	No significant risks identified'			Yes
Environment / Climate	No significant risks identified			Yes

8. OUTCOMES

<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	The Prosperous Economy theme in the LOIP makes mention of the importance of retaining talent and expertise in City organisations. This would include the Council. Ensuring that people policies are in place and applied appropriately and consistently should assist with employee relations in the organisation and with the retention of trained and valued employees. This would mean that they can continue in post and contribute to delivering

	effective services to citizens and businesses, indirectly contributing to the City's economy.
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Ensuring that people policies are in place and applied appropriately and consistently should assist with employee relations in the organisation, ensuring that conduct issues are efficiently addressed and that employees are supported when undergoing the procedure. This should indirectly assist with employee mental health and wellbeing allowing them to function both in employment and at home.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Not required
Data Protection Impact Assessment	Not required
Other	Not required

10. BACKGROUND PAPERS

10.1 N/A

11. APPENDICES

11.1 N/A

12. REPORT AUTHOR CONTACT DETAILS

Name	Kirsten Foley
Title	Employee Relations & Wellbeing Manager
Email Address	KFoley@aberdeencity.gov.uk