

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance
DATE	9 September 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Policies for People Update
REPORT NUMBER	CORS/24/259
EXECUTIVE DIRECTOR	Andy MacDonald
CHIEF OFFICER	Isla Newcombe
REPORT AUTHOR	Sharon Robb
TERMS OF REFERENCE	2.5, 2.7

1. PURPOSE OF REPORT

- 1.1 This report follows on from a report to Staff Governance Committee in June 2023 (CUS/23/186), where it was agreed that a report would be brought to Committee on an annual basis on the application of the Managing Discipline, Managing Grievances and Dignity and Respect at Work policies.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Notes the updated data provided regarding the usage and application of the policies; and
- 2.2 Notes the improvement actions planned to improve progress on timescales for employee relations casework across the organisation within a joint action plan.

3. CURRENT SITUATION

Background

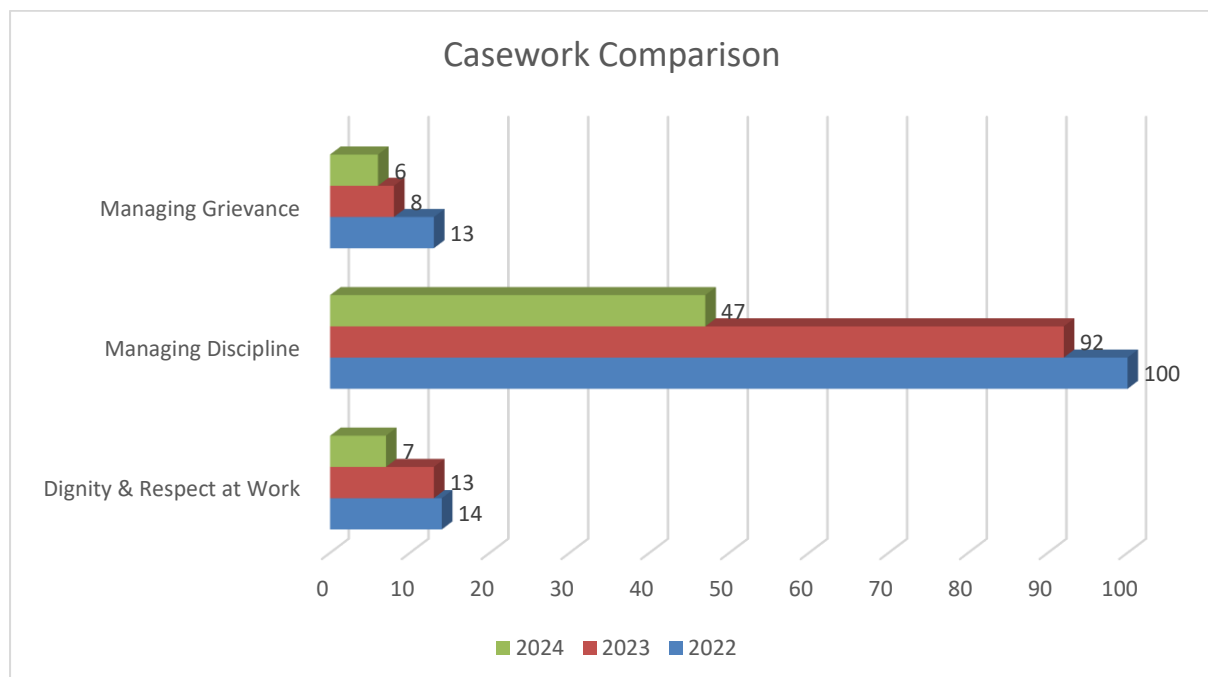
- 3.1 The revised [Managing Discipline Policy](#) was approved by Committee on 7 June 2021, with the revised [Managing Grievances](#) and the [Dignity and Respect at Work](#) Policies approved by Committee on 28 September 2021.
- 3.2 The key aims of the policies are to:
- 1 Increase the use of informal 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.

3.3 An [annual update](#) on the application of these policies was presented at the Staff Governance Committee on 26 June 2023.

Data

3.4 For the purposes of comparison, the data for 2022 from the previous annual update has been included. This has been compared against the period January 2023 to December 2023 and January 2024 to June 2024.

3.5 The graph below shows a breakdown of the type of cases progressed in 2023 and the first half of 2024. For clarity, the 2024/24 data includes only cases which were opened in that period.

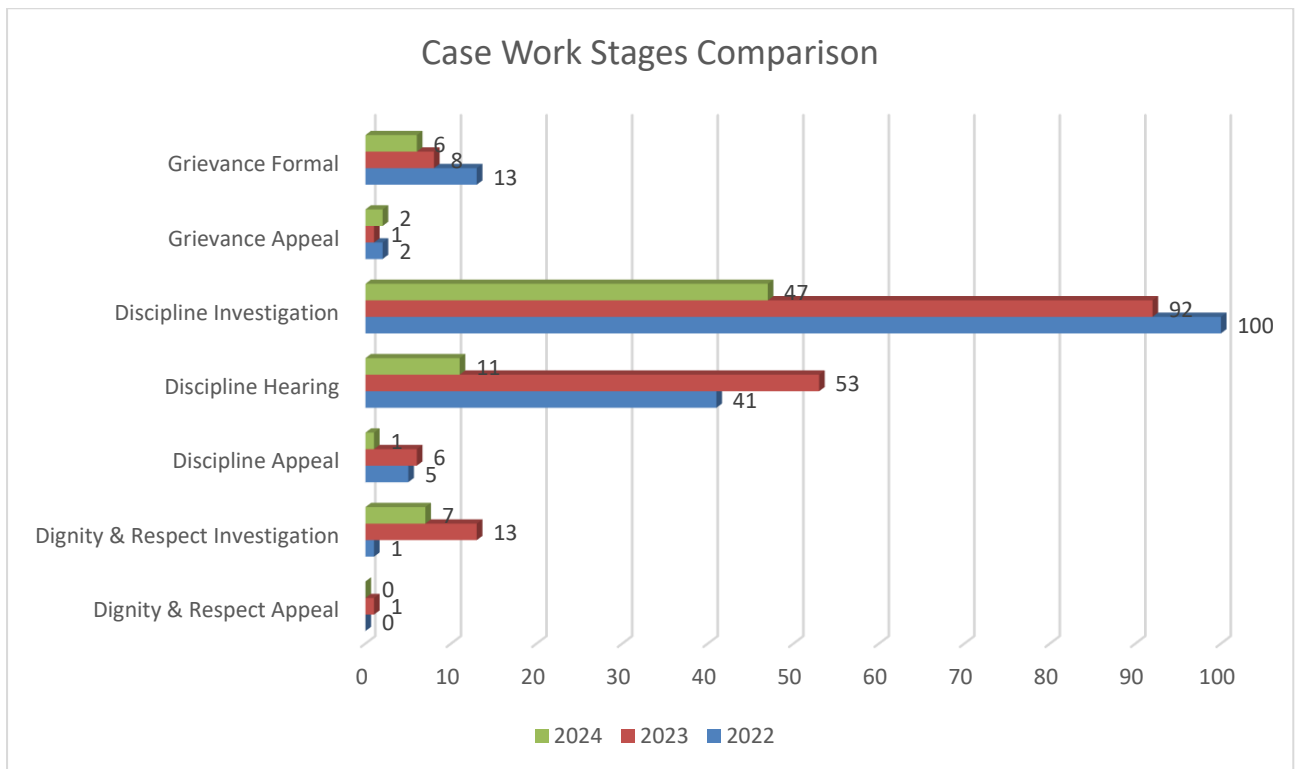


3.6 There is a degree of consistency in the numbers of cases opened in 2023 and 2024 when compared to 2022. For Managing Discipline cases, there was an improvement in the number of new cases, with a small decrease from 100 in 2022 to 92 cases in 2023. The 2024 data shows that up to June 2024, there are 47 new cases opened. The full year figures will be reported to Committee next year.

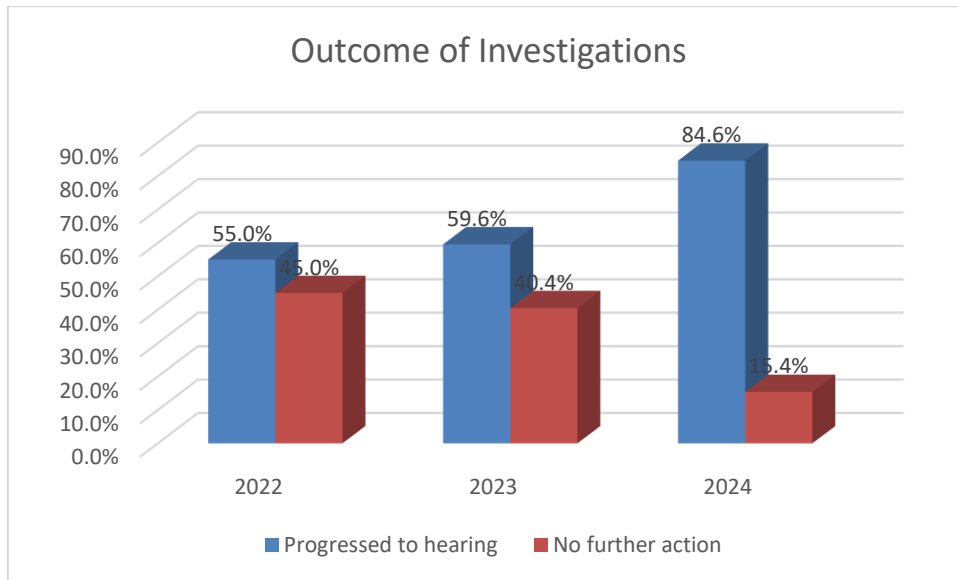
3.7 For Managing Grievance, this again has shown an improvement with a decrease in the number of cases from 13 in 2022 to 8 in 2023. The 2024 data shows that up to June 2024, there are 6 new cases opened.

3.8 For Dignity and Respect cases, this again has shown an improvement with a small decrease in the number of cases from 14 in 2022 to 13 cases in 2023. The 2024 data shows that up to June 2024, 7 new cases were opened.

3.9 The graph below shows a breakdown of the stages within each case type. As above, the 2024/24 data includes only cases which were opened in that period (and therefore some cases may not yet have concluded).



- 3.10 The number of formal grievances is the same as the number of overall grievance cases as informal grievances are not routinely recorded centrally by the employee relations team; these are often dealt with by management directly. There are only very small numbers of grievances appealed so it is difficult to make any significant comparison between years.
- 3.11 Whilst there was an increase in the number of disciplinary hearings from 2022 to 2023, the number of hearings in 2024 (to date) appears to show a decrease (whilst noting that not all disciplinary cases started in 2024 will have concluded). There is a small increase in the number of appeals from 2022 to 2023 and to date, 1 appeal in 2024 (whilst again noting that not all cases will have concluded).
- 3.12 The most notable change between 2022 and 2023 is for investigations under the Dignity and Respect at Work policy, which has increased from 1 to 13. It should also be noted that there was a corresponding decrease in disciplinary investigations. These changes may be attributed to a change in how investigations are recorded. Prior to 2023 both Disciplinary and Dignity and Respect at Work investigations were recorded as generic “investigations” which meant it was not possible to accurately differentiate Dignity and Respect at Work investigations from Disciplinary investigations reported for 2022. These are now recorded separately to allow more accurate reporting. There was 1 Dignity and Respect at Work appeal in 2023.
- 3.13 The chart below shows that in 2022, 55% of formal investigations progressed to a disciplinary hearing. In 2023, 59.6% of investigations progressed to a disciplinary hearing. In 2024 to date, 84.6% of investigations (although noting that not all will have concluded) have progressed to a disciplinary hearing.



3.14 The data shows that, whilst timescales for the stages of the procedures are a matter of guidance rather than policy, the organisation’s average timescales is not currently aligned with the timescales currently set out in the guidance, as detailed in the table below:

Policy Stage	Days in Guidance	Average Days 2023*	Average Days 2024 (to date)*
Disciplinary Investigation	28 (20 working days)	85	47
Disciplinary Hearing	14 (10 working days)	32	26
Disciplinary Appeal	14/84** (10/60 working days)	56	-
Grievance Hearing	14 (10 working days)	54	38
Grievance Appeal	14 (10 working days)	41	76

* Please note that the timescales are calculated using only stages that have been completed and will not include any which are still ongoing. Therefore these figures may change in subsequent reports.

**Appeal Committee timescales are 12 weeks or 84 working days

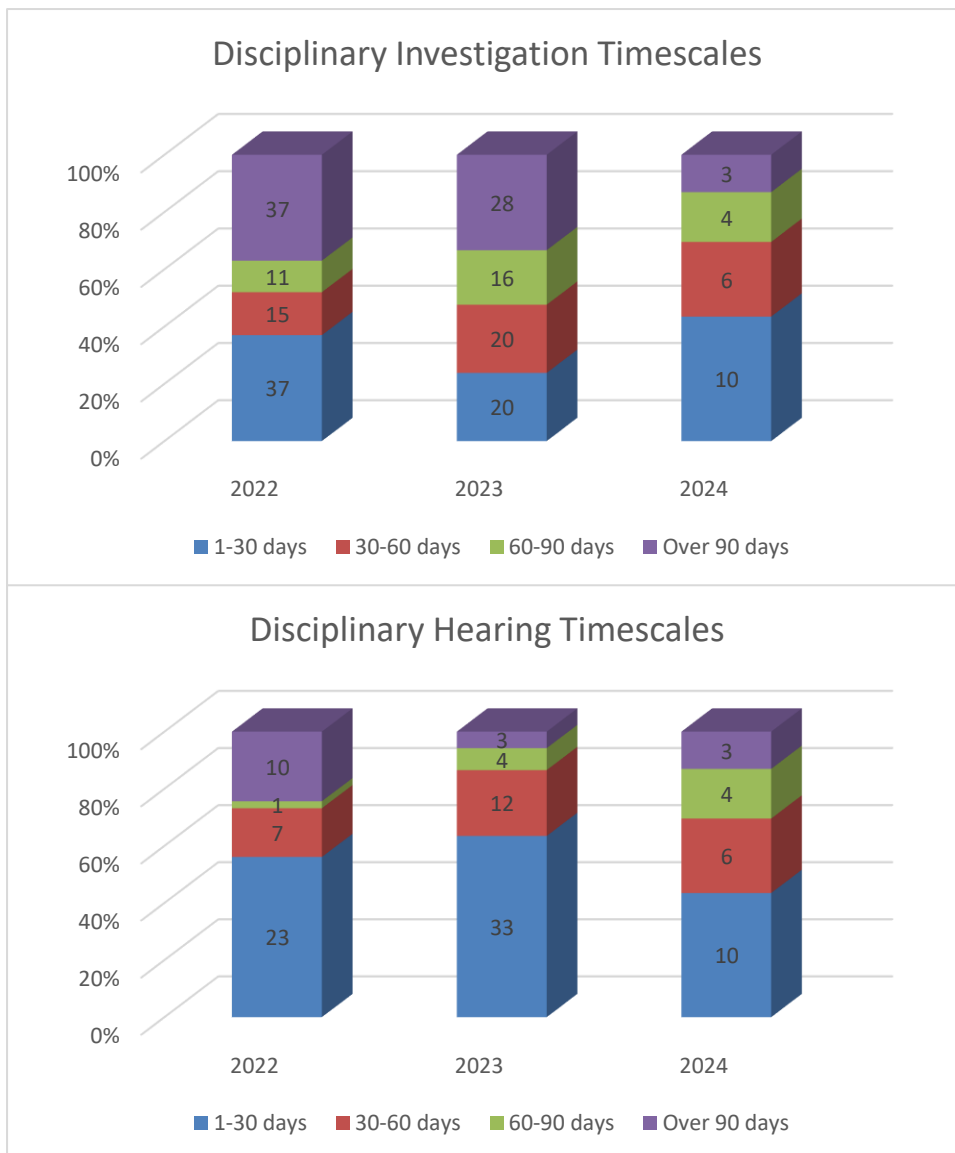
- 3.15 Whilst each case is individual and has unique challenges, the most common reasons for delays were as follows:
- Sickness absence/annual leave during the process (either employee, trade union representative, People & OD Adviser, Investigating Officer or Disciplinary Hearing Chair; or a combination)
 - School holiday periods during investigations for school based employees
 - Availability/capacity of investigating officer or disciplinary hearing chair
 - Complexity of some cases, such as those involving police investigations.
 - Hearing/appeal date being varied by mutual consent

3.16 It is also important to note that the length of each stage is measured as it’s time to conclusion. The timescales outlined in the guidance for hearings and

appeals relate to when the case should be heard by (i.e. the original hearing date). In many cases there may be adjournments to seek further information, to consider all the information presented or may take several meetings to hear the entirety of a case. Furthermore the case is not considered concluded until an outcome letter has been issued and the guidance allows a further 5 working days for this to be issued following the case being heard.

3.17 Appeals to the Appeals Sub Committee by necessity have a longer lead in time than officer appeals and in line with the Appeals Sub Committee procedure, these are heard within 12 weeks of a letter of appeal being submitted.

3.18 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:



- 3.19 Whilst the average timescales for completion of disciplinary investigations has risen in 2023, it is also important to note that there has also been a corresponding reduction in the number of investigations over 100 days when compared to 2022. However, this is still significantly higher than the timescales set out in the guidance. There have also been some improvements in the average timescales for completion of Disciplinary Hearings and again, a drop in the number of cases over 100 days.
- 3.20 There will always be some cases which will exceed the length of time set out within the guidance for a number of reasons, as explained above, however the data shows that this is still an area where there is need for improvement and this has also been highlighted by Trade Union colleagues, emphasising the impact on employees' wellbeing when cases are protracted.

Planned Actions for Improvement

- 3.21 In order to address some of the issues with timescales within our people processes and concerns raised by our trade union colleagues, an improvement action plan has been developed jointly, with trade union colleagues, and with feedback from managers, chief officers and investigating officers.
- 3.22 The table below sets out initial actions included within the plan, and these will be continuously reviewed with input from trade union colleagues to ensure progress.

Proposed Action	Why this is important?	Timescale
Communication & Engagement		
Engagement with chief officers to support them to emphasise to their managers about the importance of adherence to people policies and guidance.	The application of these policies within ACC is the responsibility of Chief Officers and feedback from Trade Unions is that visibility and involvement, where appropriate, of Chief Officers for cases in their respective areas could be improved. Feedback from Investigating Officers and Chairs also suggests that operational work is a barrier in terms of meeting timescales and support from Chief Officers in managing priorities would be of benefit.	1 month
Run a feedback session with Investigating Officers/ Hearing Chairs	To gain their input into how the policies are working in practice, understand any barriers and to improve the process	2 months
Training and Development		
Review Investigations Training	Currently training is online and procedural in nature; feedback from investigating officers (IOs) suggests that this does not always sufficiently equip them to undertake	3-6 months

	investigations. A face to face course will be developed and implemented with a focus on improving the timescales whilst ensuring robustness around cases. It is hoped that this will also increase the pool of sufficiently trained IOs and allow cases to be allocated more quickly.	
Review training provision on People Policies for all managers	Review the current training provision for managers on people management and include the importance of considering resolution at informal stage where this is possible and undertaking 'preliminary investigations or fact finding', with the aim of reducing the number of formal cases across the organisation.	3-6 months
Develop training/briefing for Disciplinary Hearing Chairs	Especially useful for managers new to the Disciplinary Hearing Chair role. Training purpose to increase confidence and expertise, as well as a focus on ensuring robustness around cases. Will also hopefully help reduce delays in arranging hearings as will place an emphasis on the need to improve timescales on case completion.	3-6 months
Policy/Practice		
Review and consider options around the current model for allocating Investigating Officers to cases	Feedback from People & OD Advisors and managers indicates delays in the current process for allocating Investigating Officers. Consideration of alternative models may allow some delays to be avoided/reduced.	3-6 months
Review guidance around current timescales	The data within this report indicates that it is not always achievable to meet the timescales. By reviewing the timescales and associated guidance, this will ensure timescales are realistic and also provide clarity on actions that should be taken where achieving these is not possible.	3-6 months
Investigating Officers		
Trial the use of an Investigating Officer role	One alternative Investigating Officer model is to establish a dedicated 'Investigating Officer' role as a test of change. The remit would be solely to undertake investigations with the intention of increasing organisational capacity to complete investigations in accordance with our set timescales. A benchmarking exercise has shown that this has been trialled within	6 months

	other organisations with successful outcomes.	
Digital Reporting		
Review current methods of recording casework information	Reviewing our existing casework register will help ensure data is accurate and up to date for the purposes of tracking cases and reporting.	3 months
Increase visibility of case work data for Chief Officers / Service Managers	Greater visibility of data allows for early intervention in cases, particularly where timescales are identified as exceeding those in the guidance.	12 months
Case Management system	Initial work to scope and implement an alternative case management system, in partnership with Digital & Technology is already underway, which will provide improvements in recording, reporting and overall case flow for all those involved in the management of people processes.	12 months

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

5.1 Dealing with disciplinary and grievance issues as promptly as possible and without unreasonable delay contributes to a fair procedure for employment law purposes.

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	Non-compliance with our policies presents a legal risk of successful tribunal claims.	Functions acting on utilisation, trend and root cause information to develop and implement controls to ensure policy compliance. Provision of robust training in understanding/ applying corporate policies. Provision of specialist support / advice.	M	Yes
Operational	Risk to service delivery and standards if staff performance is impacted by ongoing/protracted casework	Provision of information, instruction and training as identified in Job Profiles, skills and training matrices. Open and clear two-way communication at all levels within the organisation.	M	Yes
Financial	If corporate policies are not complied with, then the organisation may incur both direct (as a result of tribunal claims) and indirect (due to loss of productivity) costs	Functions acting on utilisation, trend and root cause information to develop and implement controls to ensure policy compliance. Provision of robust training in understanding/ applying corporate policies. Provision of specialist support / advice.	M	Yes
Reputational	If corporate policies are not consistently and fairly applied, there is a risk of the organisation	Provision of information, instruction and training as identified in Job Profiles, skills and training	L	Yes

	not being seen as an employer of choice and having recruitment and retention issues	matrices. Open and clear two-way communication at all levels within the organisation.		
Environment / Climate	No significant risks identified			Yes

8. OUTCOMES

Aberdeen City Local Outcome Improvement Plan 2016-26	
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.
Regional and City Strategies	This report links directly with the Council's Workforce Delivery Plan - setting up our council in a way that supports our aspirations <ul style="list-style-type: none"> • Policy review principles are in place that embed early intervention and prevention • Industrial relations are based on positive working relationships with our recognized Trade Unions and have mutual respect at their core

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	No assessment required. I confirm this has been discussed and agreed with Isla Newcombe, Chief Officer People & Citizen Services on 29/8/24.
Data Protection Impact Assessment	Not required
Other	Not required

10. BACKGROUND PAPERS

10.1 [Policies for People Update – CUS/23/186](#)

11. APPENDICES

11.1 N/A

12. REPORT AUTHOR CONTACT DETAILS

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