



**Report to:** Professional Standards Committee  
**Agenda item:** 5  
**Date:** 24 October 2012  
**Subject:** Employment Tribunal and Grievance (Dispute Resolution) Update  
**Sponsor:** Director of Corporate Resources. Authored by Clare Conaghan  
**For:** Information

**1. PURPOSE OF PAPER**

1.1 This paper is presented to update the Professional Standards Committee on the latest position in respect of Employment Tribunal (ET) and Grievance (Dispute Resolution) cases.

**2 EMPLOYMENT TRIBUNALS**

2.1 From 1 October 2011 to 30 September 2012 there were 15 ET claims submitted. This compares with 23 submitted during the 12 month period 1 October 2010 to 30 September 2011.

2.2.1 The table below shows the current Employment Tribunal status for this quarter to 30 September 2012.

<b>ET STATUS</b>	<b>This quarter</b>	<b>Last quarter</b>
No. of Live ET's (at end of quarter)	7	9
No. of New ET's (during quarter)	2	2
No. of Closed ET's (during quarter)	4	4
No. of Live ET Appeals (at end of quarter)	0	1
No. of New ET Appeals (during quarter)	1	1
No. of Closed ET Appeals (during quarter)	1	0



2.2.2 The table below shows the breakdown of Allegation Type, by Area for this quarter to 30 September, including comparative data, as requested.

Allegation Type	HQ	LN	LS	LU	NE	NW	SC	WW	Grand Total (Oct 11 to Sep 12)	Grand Total (Oct 10 to Sep 11)	Indicator Column
	% of Force Staff <sup>1</sup>										
Sex (including pay) discrimination	1	1						1	3	4	-1
Disability discrimination	1								1	3	-2
Sexual orientation discrimination									0	1	-1
Race discrimination	1	1		2					4	6	-2
Religion or belief discrimination									0	0	0
Age discrimination	1	1		1					3	2	+1
Unfair dismissal (including constructive dismissal)	4		1	1					6	6	0
Whistleblowing	1								1	1	0
Other payments owed									0	5	-5
Other complaints	1							1	2	0	+2
<b>Allegations TOTAL (Cases TOTAL)</b>	10 (7)	3 (2)	1 (1)	4 (3)	0	0	0	2 (2)	20 (15)	28 (23)	<b>-8</b>
<b>% of ET Allegations</b>	45	14	6.5	20	0	0	0	14.5			

Please note, this total will differ from the overall number of claims submitted, as some claimants sight more than one allegation.

2.3. In the period since 1 July 2012 we have had no ET hearings, this was due to an agreement with the tribunal, due to our operational commitments during the Olympic and Paralympics Games during the summer.

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2.4 We are currently preparing for a 15 day hearing that commences on 15<sup>th</sup> October 2012 for Constructive Unfair Dismissal and 'Other Complaints' following a protected disclosure. We also have a Disability Discrimination hearing listed for 13 and 14 December 2012, a Sex Discrimination and Unfair Dismissal hearing listed for 8 to 21 February 2013, and a Sex, Race and Age Discrimination hearing listed for 1 April to 9 April 2013.

### **3. GRIEVANCES**

The last paper presented looked at the first quarter in 2012/13. The decision was taken for future reporting to review the data on a rolling 12 months period with the previous 12 months in line with the PSD quarterly report to the Committee. This means that larger data sets are available to be analyzed and trends identified.

This paper does not include ethnicity / gender data as it has been agreed with the Committee that this will be reported annually, rather quarterly for PSD. Therefore HR will include their data in the annual report.

This paper therefore looks at the period from 1<sup>st</sup> October 2011 to 30<sup>th</sup> September 2012 and compares this against the previous 12 months from 1<sup>st</sup> October 2010 to 30<sup>th</sup> September 2011.

It should be noted however that due to the various changes in policy and how the information is recorded on Centurion, we are not able to provide comparable data on all of the sections. This will be rectified when the rolling dates commence at the 1<sup>st</sup> April 2011. (i.e. committee meeting April 2013)

Furthermore, when compiling this data it has become clear there are a number of data integrity issues which need to be rectified prior to the next report. To this end, HR are working with the PSD Analyst to devise a suite of standard reports via Centurion to regularly monitor and audit stats and are establishing an agreed set of working practices and rules around recording data.

#### **3.1 Grievance Analysis**



For the period 1<sup>st</sup> October 2010 to September 2011, 133 grievances were recorded compared to 80 grievances cases for the period 1<sup>st</sup> October 2011 to September 2012. This is a reduction of 53 grievances. The total number of allegations is higher as this relates to grievances which have multiple allegations.

**Recorded Grievances**

Allegation Type	HQ	LN	LS	LU	NE	NW	SC	WW	Grand Total (Oct 11 to Sep 12)	Grand Total (Oct 10 to Sep 11)
<b>% of Force Staff</b>	<b>22</b>	<b>14</b>	<b>12</b>	<b>21</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>9</b>		
Pay, Conditions, Contract Terms	4	4	2	6	10	0	0	5	31	23
Bullying and Harassment	7	4	7	3	4	1	3	1	30	21
Discrimination	6	0	2	2	1	0	1	0	12	15
No Grounds (rejected)	0	0	0	1	0	1	1	1	4	0
Other	0	0	1	0	0	0	0	0	1	9
Not Recorded	2	0	1	0	0	0	0	4	7	<b>66*</b>
<b>Allegations TOTAL (Cases TOTAL)</b>	<b>19 (19)</b>	<b>8 (8)</b>	<b>13 (12)</b>	<b>12 (12)</b>	<b>15 (13)</b>	<b>2 (2)</b>	<b>5 (4)</b>	<b>11 (10)</b>	<b>85 (80)</b>	<b>134 (133)</b>
<b>% of Grievance Cases</b>	<b>24</b>	<b>10</b>	<b>15</b>	<b>15</b>	<b>16</b>	<b>2.5</b>	<b>5</b>	<b>12.5</b>		

\*Centurion change to how cases are recorded – cases are now recorded with a specific allegation however prior to this it was free text.

Compared to the proportion of staff (8%), the North East area displays the largest number of cases (16%). Wales and Western follow a similar pattern of staff (9%) and cases (12.5%). London Underground and North West however show the converse with staff (21%, 8%) being higher than cases (15%, 2.5%).

The majority of allegations (36.4%) relate to pay, conditions and contract terms in this rolling year. **Excluding the allegations which didn't have a type recorded**, in the previous period pay, condition and contract terms was again the highest (33.8%).

The number of bullying and harassment allegations also continues to be of a concern (35.3%) and has seen an increase from the specified allegations in the previous period (30.8%).

These variances have been flagged locally and steps are being taken to identify the reason for the increase. Going forward via monthly reporting, areas of variance will be flagged locally and any rationale / explanation for the variance will be reported in the quarterly report to the Committee.

Proportionally, discrimination allegations have reduced from the previous year (22%) to this year (14.1%).

### Closed Grievance Cases

The following table shows all the closed grievances for the two periods and is broken down into the various stages at which a case is closed. It should be noted that the reference to “result not in category” refers to the historic case recording practices which have now been revised, and “de-recorded” where they have been deleted. Furthermore, “grievance rejected” is now recorded as “no grounds” in the allegation field and will be closed at stage 1. Not stated refers to cases which have been closed without a reason.

Case Result Type	HQ	LN	LS	LU	NE	NW	SC	WW	Grand Total (Oct 11 to Sep 12)	Grand Total (Oct 10 to Sep 11)
<b>% of Force Staff</b>	<b>22</b>	<b>14</b>	<b>12</b>	<b>21</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>9</b>		
Stage1	5	5	1	0	5	5	5	5	22	6
Stage1 Withdrawn	2	0	0	3	0	0	0	0	5	3
Stage2	9	7	3	3	7	1	3	4	37	26
Stage2 Withdrawn	1	0	0	0	1	0	0	0	2	1
Stage3	2	1	3	5	1	0	0	2	14	8
Stage3 Withdrawn	0	0	0	1	1	2	0	0	4	1
Not Stated	0	1	0	0	0	1	0	0	2	26
Grievance Rejected	0	0	0	0	0	0	0	0	0	5



Case Result Type	HQ	LN	LS	LU	NE	NW	SC	WW	Grand Total (Oct 11 to Sep 12)	Grand Total (Oct 10 to Sep 11)
% of Force Staff	22	14	12	21	8	8	6	9		
Result Not In Category	0	3	0	0	1	0	0	1	5	14
De Recorded	1	0	0	1	0	0	0	0	2	0
<b>Cases TOTAL</b>	19	8	13	12	15	2	5	11	93	90

The current period has seen a considerable increase in the number of cases closed at stage 1 (23.6%) compared to the previous period (6.6%). There has also been a significant increase in the number of cases closed at stage 2 (39.7%) compared to last year (28.8%).

There has been an increase in the number of cases proceeding to stage 3 (15%) compared to last year (8.8%). **It should be noted this data is distorted due to volume of the cases closed as “not stated” or “result not in category” in the previous rolling year.**

**Closed cases**

The table below shows the number of cases closed for the two periods and is based on working days inclusive of bank holidays.

Working Days to Close	HQ	LN	LS	LU	NE	NW	SC	WW	Grand Total (Oct 11 to Sep 12)	Grand Total (Oct 10 to Sep 11)
Less than 40 Days	12	2	3	6	8	2	2	5	40	48
40 - 70 Days	3	2	2	1	1	1	2	0	12	22
Over 70 Days	5	13	3	6	4	3	0	7	41	20
<b>Cases TOTAL</b>	20	17	8	13	13	6	4	12	93	90
% of cases over 70 days	25	76.4	37.5	46.1	30.7	50	0	58.3	44	22.2

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The data shows there are a larger proportion of cases which are taking over 70 days to resolve (44%) which equates to almost half of all the cases closed. The number of cases closed in less than 40 days this period (43%) is comparable to the previous period (53%).

With the exception of FHQ which has the highest proportion of staff, London North has the highest number of cases (76.4%) which have taken over 70 days.

On closer scrutiny of the results, it appears the HR Advisers are not consistently closing down grievances at the same point. Through clear definition of the working practices when recording data, it is predicted that this will positively impact on the accuracy of the data going forward.

Finally, further clarification has been sought with sample Force's in relation to their Grievance data and the variance with our own data. All Forces sampled confirmed that they do not include informally resolved grievances in their Annual Reporting, including those resolved via mediation.

Going forward, BTP will not record grievances resolved informally, following the launch of the Force Values and Resolution SOP, which is due to be launched early next year, following consultation and formal rollout.

#### **4 RECOMMENDATIONS**

- 4.1 It is recommended the Committee note the content of this report, and raise any issues for further research/future reports.