

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	AUDIT AND GOVERNANCE
DATE OF MEETING	16 JULY 2024
SUBJECT	DISCIPLINE AND COMPLAINT EFFECTIVENESS ASSESSMENT 2023/2024
LEAD OFFICER	LUCY GREENWAY; SENIOR HR ADVISER
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	FOR NOTE

1. **EXECUTIVE SUMMARY**

- 1.1 An annual internal review takes place within Human Resources (HR) to provide a year-on-year comparison of discipline and complaint cases.
- 1.2 This report provides an overview and comparison of the discipline and complaint cases that have been undertaken for the years 2022/2023 and 2023/2024.
- 1.3 For confidentiality purposes, the information in the report is kept deliberately brief. The purpose of the report is therefore to provide a snapshot of the cases dealt with across the Service for the years 2022/2023 and 2023/2024.

2. **RECOMMENDATION**

The Audit and Governance Committee and invited to:

- 2.1 **NOTE** the details of the Discipline and Complaints Effectiveness Assessment report.

3. **REPORT**

- 3.1 Appendix A details the findings of the discipline and complaint effectiveness case analysis.

Role of HR

- 3.2 HR are responsible for maintaining fair and effective disciplinary and complaint procedures and providing appropriate advice, guidance and training for managers

dealing with matters relating to disciplines and complaints. All HR Advisers are CIPD qualified.

Discipline Cases

- 3.3 Discipline cases have been internally monitored for a number of years in terms of the number of cases at each stage and the reasons for disciplinary investigations.
- 3.4 A summary of the findings for the year 2023/2024 can be found below:
 - 3.4.1 There has been an increase in the number of disciplinary processes in relation to behaviour in 2023/2024. Case outcomes and recommendations continue to be reviewed and specific learning addressed as appropriate.
 - 3.4.2 The number of disciplinary cases related to discrimination or bullying/harassment has remained consistent.
 - 3.4.3 The outcome of disciplinary investigations and hearings are very case specific and determined on their own merits. It is therefore often difficult to draw parallels between outcomes, however these continue to be monitored to ensure that action taken in each case is proportionate.
 - 3.4.4 The time taken to complete investigations can be dependent on a number of factors such as the complexity of cases, the absence of the employee and/or their representative and the coordination of shift patterns. The policy outlines the need to complete investigations in a timely manner, but this is balanced with the need to carry out thorough and robust investigations. The time taken to complete investigations continues to be monitored.
 - 3.4.5 Some cases resulted in the employee appealing their disciplinary sanction. None of these appeals were fully upheld and one was withdrawn. The reasons for appeals are monitored with any learnings addresses where appropriate.
 - 3.4.6 Disciplinary training is available to all managers who may undertake investigations, and this is also included in the Development and Assessment Pathway (DAP) for Grey Book managerial staff. Several Green Book managers have also attended the disciplinary training. The Senior Leadership Team undertook refresher training on conducting hearings in Q4 of 2023/2024.
 - 3.4.7 Information on gender, ethnicity and length of service are collected for every disciplinary case to enable HR to analyse trends or themes emerging. Trends in terms of who is subject to a disciplinary process broadly follows the demographics of the workforce. Nothing specific could be found in terms of underlying sexism or racism for the cases analysed.

Complaints

- 3.5 Complaint cases have also been monitored internally for a number of years. A summary of the findings for 2023/2024 can be found below:
 - 3.5.1 In 2023/2024 the number of formal and informal complaints has increased since 2022/2023. A contributing factor to this could be the ongoing publicity around culture in the Fire and Rescue sector, particularly after the publication of the South Wales Fire and Rescue Service culture review.

- 3.5.2 RBFRS commissioned Intersol Global to undertake an informal information gathering exercise, giving staff the opportunity to meet with Intersol to discuss any concerns. Issues that required immediate attention were addressed appropriately with some being investigated as complaints.
- 3.5.3 The amount of complaints relating to bullying and harassment, discrimination and behaviour has increased in 2023/2024. No particular themes could be identified, with complaints being for a range of reasons and factors.
- 3.5.4 SaySo continues to be used for anonymous complaint recording and the proportion of complaints being received via SaySo increased in 2023/2024.
- 3.5.5 There were no trends that could be identified in terms of the location of complaint subjects or those making complaints.
- 3.5.6 There has been a decrease this year in the number of complaints that are being completed within the 28 day timeframe. This is due to a number of factors including the complexity of the investigations or availability/absence of staff. Completion rates this year were also lower due to the volume of anonymous SaySo complaints, complaints being received in the latter part of 2023/2024 that had not been completed and the link to other processes.
- 3.5.7 Throughout 2023/2024 no trends could be identified in terms of length of service, but this continues to be monitored.
- 3.5.8 In terms of gender and ethnicity of the complaint subject no specific trends could be identified. It should be noted however that due to the anonymous nature of some complaints received the gender and ethnic origin of the complainant cannot be analysed.
- 3.5.9 Analysis of exit interviews did not indicate any trends in terms of bullying had harassment that caused people to leave the Service.

Workforce Capacity

- 3.6 Investigations are undertaken by managers in addition to their day to day roles, which has a significant impact on capacity, particularly in more complex cases. In particular, the increase in the volume of employee relations cases significantly increases the demand on the middle manager cohort and HR.

HR Case Management

- 3.7 A qualified HR Adviser provides support for all discipline and complaint cases, with separate advisers for the investigation, hearing and appeal stages.
- 3.8 HR acts in an advisory capacity to provide advice on process and ensuring legal compliance. Several procedures and processes are in place to ensure case management is effective. These include:
 - 3.8.1 Ongoing review of manager guidance.
 - 3.8.2 Ensuring conflicts of interest for those undertaking investigations are declared.
 - 3.8.3 Assigning welfare officers for those subject to investigation or for witnesses in complex cases.

- 3.8.4 Provision of investigation checklists and documents to investigating managers.
- 3.8.5 Utilising qualified external investigators for cases which may be particularly recourse intensive or where an independent investigation is required.
- 3.8.6 Undertaking quality audits of discipline and complaint cases, including monitoring and following up on any recommendations.
- 3.8.7 Undertaking ongoing HR Adviser training and employment law updates.
- 3.8.8 Developing an Effective Grievance and Discipline Action Plan.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 People: We will support our staff by providing a safe and inclusive environment for them to thrive in, building a diverse organisation that is engaged with, and accessible to, our communities.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications relating to this report.

6. LEGAL IMPLICATIONS

- 6.1 There are no legal implications relating to this report.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no equality and diversity implications relating to this report, but considerations regarding gender and ethnicity are considered as part of the analysis of discipline and complaint cases.

8. RISK IMPLICATIONS

- 8.1 There are no risk implications associated with this report.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 N/A.

10. PRINCIPAL CONSULTATION

- 10.1 Chief Fire Officer.

11. BACKGROUND PAPERS

- 11.1 None.

12. APPENDICES

- 12.1 Appendix A – Discipline and Complaints Effectiveness Assessment.

13. CONTACT DETAILS

13.1 Lucy Greenway, Senior HR Adviser, 07585 991606