

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting **HUMAN RESOURCES COMMITTEE**
Date **14 MAY 2009**
Report of **DIRECTOR OF HR**
Subject **EMPLOYMENT TRIBUNAL CASES**

Purpose of the Report

1. The purpose of this report is to notify members of the developments and changes in Employment Tribunal cases that have occurred since the information was last reported to the committee in November 2008.

Background

2. Police Staff can make an application under prevailing legislation for numerous reasons, e.g. unfair dismissal, constructive dismissal, breach of contract, age, race, sex and disability discrimination.
3. Police Officers cannot make a claim of unfair or constructive dismissal or on the grounds of breach of contract, but can make a claim of disability, age, race or sex discrimination under the current legislation.

Financial Implications

4. If the Force loses a case of age, sex, race or disability discrimination then compensation may be awarded to the individual, which can be unlimited. In cases of unfair dismissal the maximum compensatory award with effect from 1st February 2009 is £66,200. In addition the Force can and usually does incur legal costs.

Applications Received During The Second Half of 08-09

5. Between 1st October 2008 and 31st March 2009, the Constabulary received two Employment Tribunal applications.

Date	Basis	Respondent	Action / Resolution	Total Days	Legal Costs	Officer / Staff	Diversity Breakdown
17 Dec 08	Unfair Dismissal	Leics. Constabulary	Withdrawn	107	£750	Staff	Female, White British, Non-Disabled
27 Feb 09	Disability Discrimination	Leics. Constabulary	Settled	39	£1900	Staff	Female, White British, Disabled
TOTAL					£2650		

The legal costs are still to be finalised as final invoices not yet received.

Comparison with Same Period in Previous Year

6. The claims are identical to the claims made for the same period in the previous year (1st October 2007 to 31st March 2008) and are comparable in number to other Forces in the region; the cases have been examined and the conclusion is that there is no worrying trend emerging regarding discrimination of any sorts.

Applications Received in Financial Year 2008-09 Compared with 2007-08

7. Between 1st April 2007 and 31st March 2008 the Constabulary received five Employment Tribunal Applications and between 1st April 2008 and 31st March 2009 the Constabulary again received five. The ratios of police officers to staff and the diversity breakdowns were comparable in each year. Legal fees incurred by cases brought in 2008-09 indicate that the total spend will be approximately £10k. It should be noted that due to an administrative error the paper submitted in November 2008 excluded some legal fees for 2007/08 cases amounting to an additional £15k, plus £11.5k on counsel fees bringing the total legal fees for 2007-08 as £33,265.

Lessons Learnt

8. The key learning points for Leicestershire Constabulary arising from the cases brought in 2008-09 are presented below. Learning is still to be identified from the disability case as at the time of writing this paper, the case had only just been settled and the de-brief not taken place.

Issue	Summary	Action
Record Keeping	Improvement in record keeping ensuring sufficient detail and auditing trail of decisions which are more easily accessible.	Advice to be disseminated via Senior Management Teams.
Attitudes to & Treatment of Part-Time Workers	Ensure that part-time workers are respected and treated equally to full-time counterparts.	Review policies and procedures to ensure reflect equity. Monitor number of relevant grievances.
Procedure for Acting Up Selection	Write and launch a procedure to introduce a corporate selection process for police officers 'acting-up'.	Head of HR Workforce Planning and Development to progress
H1 process	Review the circumstances under which an officer will be considered for Ill Health Retirement under H1 of the Police Pension Regulations.	The administration and decision making practice within the H1 process has recently been reviewed.

Recommendations

The Director of Human Resources requests that the Human Resources Committee comment on the content of this report.

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