

# **LEICESTERSHIRE POLICE AUTHORITY**



Meeting           **HUMAN RESOURCES COMMITTEE**

Date               **3<sup>rd</sup> DECEMBER 2009**

Report of         **HR DIRECTOR**

Subject           **EMPLOYMENT TRIBUNAL STATISTICS  
FOR 1 APRIL TO 30 SEPTEMBER 2009**

## 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 board.

## 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. The costs incurred in defending an Employment Tribunal claim can be severe. Even if the Force succeeds at tribunal, legal and staff costs can be extremely high and in most cases these costs cannot be reclaimed. This is particularly the case when there are appeals to higher courts.
5. 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 6<sup>th</sup> February 2009 is £66,200. In addition the Force can and usually does incur legal costs.

## Applications Received During the First 6 Months of 09/10

6. Between 1<sup>st</sup> April and 30<sup>th</sup> September 2009, the Constabulary received 1 Employment Tribunal application as below. Legal costs for new cases during this time totalled £800:

Date	Basis	Respondent	Action / Resolution	Total Days	Legal Costs	Officer / Staff	Diversity Breakdown
07 May 09	Disability Discrimination	Leics. Constabulary	On-going	96	£800	Staff	Female, White British

## Comparison with same period in previous year

7. Between 1<sup>st</sup> April and 30<sup>th</sup> September 2008, the Constabulary received 3 Employment Tribunal applications as follows:

Date	Basis	Respondent	Action / Resolution	Total Days	Legal Costs	Officer / Staff	Diversity Breakdown
14 Apr 08	Less Favourable Treatment of P/T Workers	Leics. Constabulary	Withdrawn	183	£4,150	Officer	Male, White British
28 Aug 08	Victimisation as a result of Trade Union Membership	Leics. Constabulary	Withdrawn	138	£1,550	Staff	Male, White British
28 Aug 08	Age, Race & Sex Discrimination and Race Victimisation	Leics. Constabulary	Withdrawn	57	£1,600	Staff	Female, Asian / Asian British - Indian

Legal costs for new cases during this time were £7,300 and financial settlements paid amounted to £2,000. As a year on year comparison, the direct legal costs associated with the first half as it current stands were £6,500 more in the 08-09 financial year.

## Comparison with most similar forces

8. The numbers of applications received between 1<sup>st</sup> April and 30<sup>th</sup> September 2009 by some of our most similar forces are presented below, where known:

Most Similar Force	No. Applications 1 <sup>st</sup> Apr. – 30 <sup>th</sup> Sept. 09	Police Officers / Staff	Diversity Breakdown
Derbyshire	2	Not Known	Not Known
Lincolnshire	4	Not Known	100% White British, 75% Female, 75% Disabled
Northamptonshire	5	100% Staff	40% Female, 40% Disabled
Nottinghamshire	Not Known	Not Known	Not Known
Warwickshire	2	Not Known	100% White British, 50% Female, 100% Disabled
Leicestershire	1	100% Staff	100% White British, 100% Female, 100% Disabled

9. It can be seen that the number of applications received by Leicestershire Constabulary is relatively less when compared with counterparts in the most similar force grouping, for the first half of the 09/10 financial year.

### Recommendation

The Police Authority are asked to NOTE the contents of this report

### Person To Contact

Mrs Janet Beardmore, Employee Relations Manager, Tel. (0116) 248 2074.