CLT Report on Casework

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1. Introduction

The purpose of this report is to update CLT on the handling of staff casework within the Council, reviewing what was established, progress made to-date, and targets and considerations for the future development of case management.

2. Executive Summary

The following key points summarise progress made to-date in tackling casework:
- **Number of cases**: Since September 2021 open cases have steadily fallen month on month and are currently down by a third. 62 cases have been closed in this period. Of these, 40 are long-standing legacy cases which have been closed. At the time of producing this report we have 61 open cases.
- **Time to Resolve**: The time taken to resolve cases which have started since September 2020 take on average 60 days to resolve. The availability of managers to investigate and manage casework can be challenging with other work pressures and priorities, which can, on occasion, be detrimental to the time it takes to resolve cases. Finding managers to investigate grievances or disciplinaries is particularly challenging. The team are therefore developing a proposal to increase the pool of available trained investigators to ease the burden on the existing cohort. The pool was last reviewed and training provided in February 2016. It is now timely to revisit and enlarge this cohort of staff. The type of casework which takes the longest to resolve is Health and Wellbeing, followed by Grievances and CHADs.
- **Case Type**: Analysis of casework by type shows us that the greatest number of cases are grievance, followed by CHAD and disciplinary cases. This is where we can focus our management support and look to develop the service further. With regard to the latter, we have 2 trained mediators in HR who have successfully resolved some recent workplace issues. The team is exploring a proposal to develop this service further with a pool of in-house mediators, offering greater potential to quickly and informally address cases related to work relationships thereby, further averting the formal, lengthy and more adversarial grievance route.
- **Cases by Directorate**: Health, Adults & Community and Place have the highest levels of casework, the majority of which are grievances (including CHADs). A dedicated caseworker is currently supporting Place to tackle the excessive number of complex and long-standing cases.
- **ER In-Box**: The team manage a dedicated Employee Relations Casework in box, which has a 24-hour response target, which is met. In addition to the formal casework requests and enquiries coming through this channel, the team have handled 294 general enquiries to-date, which are not linked to formal cases.
- **Informal ER support**: A key area of work not always reflected in the queries via the in box or on the tracker is the informal advice and support given to managers to resolve staff issues. These can be lengthy processes in themselves, which involve advising managers on handling issues successfully without recourse to formal routes.
- **Equalities**: It is too early to show decisive trends from the equalities data. The content of the reports we generate, and the intervals are under review to enable us to provide more meaningful data against the protected characteristics.
- **Employment Tribunals**: The ER team now work closely with the legal team on claims and will be reporting on this activity in future.

3. Background

In July 2020 an internal realignment of HR resulted in the establishment of a dedicated team to handle casework and policy development.   In August 2020 an Employee Relations and Engagement Framework was drawn up. Aside from the engagement work, its purpose was to establish more effective ways to manage and monitor the high caseload within the Council. The Framework looked to achieve this in the following ways:

- Consistency in how we manage casework – practice following policy
- Improving resilience and competency of managers and HR professionals
- Timely resolution of issues
- Staff confidence to raise issues
- Partnership working with staff and trade unions
- Improving the reputation and delivery of the HR & OD service
- Reducing employment costs

The actions and how these have been met is detailed below, including an analysis of the casework data, and considerations underway for the next steps in developing the service.

4. Employee Relations and Engagement Framework Set Up and Achievements

The following sections look at the objectives set in the Employee Relations and Engagement Framework and how each have been achieved.

4.1 Monthly Reporting
Target: To develop a Monthly Performance Report that highlights:
- General overview – trend analysis
- Open case review
- Cases being monitored
- Outcome of hearings
- Closed cases summary
- Long term cases (cases open for 90 days of more)
- Average time taken to resolve cases
- Suspensions and their review
- Measure against Service Level Agreements

Outcome: This target has been met with the monthly reports having been supplied to CLT and to Directorates. In addition, every quarter the reports will provide an equalities data profile of casework. Assessing some key protected characteristics of those involved in casework against the make-up of the workforce, over time and in each Directorate will gradually build a picture which helps us assess any possible discriminatory practices and take action to resolve this.

4.2 Logging of cases and general enquiries
Target: To log all cases, to involve:
- Cases to be raised via ER.Casework@towerhamlets.gov.uk.
- Casework to be defined as a general enquiry or a case that requires action or support
- Cases to be risk rated to assist with prioritisation.

Outcome: All cases are now logged on a tracker, which come to the team via the established ER casework email in box. All queries are logged, be it formal casework requirements or

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general enquiries so that we can assess the overall level of employee relations issues. The team are now reviewing this tracking system to refine the categories and improve data reporting via automated dashboards to provide current data on demand.

4.3 Responses and Standards
Target: Establishing response times, as follows:
- Initial response to new case: Within 1 working day
- Substantive response to case: Within 2 working days
- Response to emails: Within 2 working days
- Response to calls: within 2 working days
- Review of letters: Within 2 working days
- Review of outcome letters: Within 2 working days
- Review of reports: Within 2 working days

In addition, standardised letter templates to be developed, indicative timelines to be attributed to cases, and each case allocated an investigating officer, where applicable, and a Commissioning Manager to hear a formal case.

Outcome: All of these requirements have been addressed. The standard set to respond to all employee relations casework emails within 24 hours is a high bar, higher than that set for other HR related in box queries, and is being met, helped by allocating a dedicated team member to cover the in box each day. Each case then has a dedicated experienced HR Business Partner responsible for ensuring it is handled in a timely and informed way.

4.4 ER Surgeries
Target: ER surgeries for managers on a weekly basis for each Directorate and weekly one-to-ones with managers with active cases.

Outcome: The ER surgeries are available on a daily basis. Not knowing the level of demand, initially Directorates were given a dedicated day and time slot in which they could call upon the team for ER surgeries. In practice the team need not be so prescribed about when manager can call upon them, and it is currently possible to support managers as and when they require assistance as soon as we are able. In doing so can more quickly resolve issues that come to light. If this proves unmanageable we can always revert back to the Directorate specific weekday allocation. The team would rather be more responsive to arising needs if they are able to. The team will be promoting these surgeries further, not simply to manage cases as they arise, but also to assist managers in meeting Council wide objectives, for example, attendance management targets, and looking at potential development needs of cohorts of managers, or providing coaching on handling complex cases.

4.5 Additional Requirements
Target: In addition to the above the framework identified the following:
• Monthly training for the ER team and wider HR (which will include a legal update)
• Regular briefing sessions for managers run by HRBP's and Heads of HR throughout the year.

Outcome: Some training has been provided to the ER Team and the HR Business Support Team on responding to enquiries, policy and procedure, and general enquiries, and the implementation and impact of new policies, terms and conditions introduced through Tower Rewards. The Employee Relations team is presenting to the wider Business partner team on casework practice in April 2021. Work is currently underway to plan for the full team's development needs to improve their casework handling skills.

5. Casework Analysis

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**5.1 Open Cases, Case Types and Case Location**

During the period 1st September 2020 to 24 March 2021 the overall number of open/live cases has dropped by a third from 91 to 61, as illustrated in the bar chart below which shows progress month by month over this period:
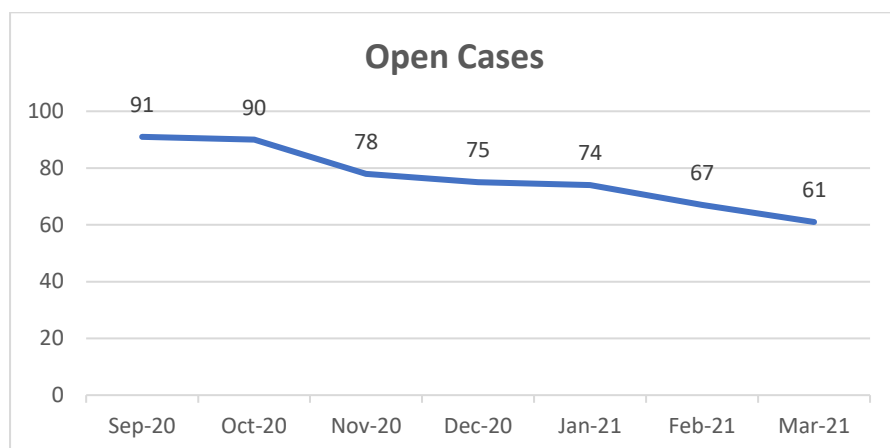

5 of the open cases involve suspensions, which are under review and justified at present. The overall drop in cases month by month and by Directorate is summarised in the table below:

Directorate	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Children & Culture	26	29	22	20	20	17	15
Governance	4	6	4	1	1	2	1
Health Adults & Community	30	23	24	23	21	21	20
Place	21	23	19	21	23	19	18
Resources	10	9	9	10	9	8	7
Grand Total	91	90	78	75	74	67	61

Looking at the current March 2021 data, the bar graph below more clearly shows the greatest number of cases are in the three largest Directorates: Health, Adults & Community; Place; and Children & Culture:

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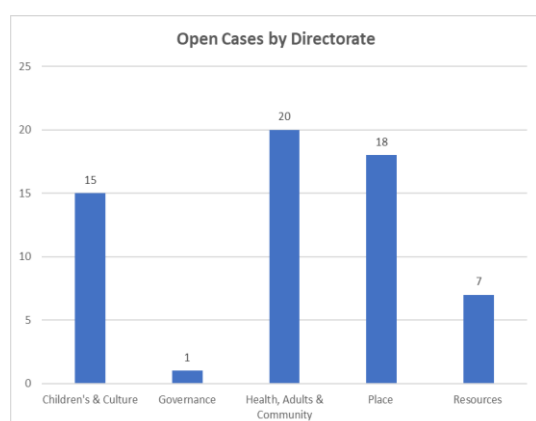
Breaking the data down further by casework in the Divisions, the following bar chart illustrates that Adult Social Care and Public Realm have by far the greatest number of cases. These represent half of the total current open cases, and illustrate where we need to now target management support and development:
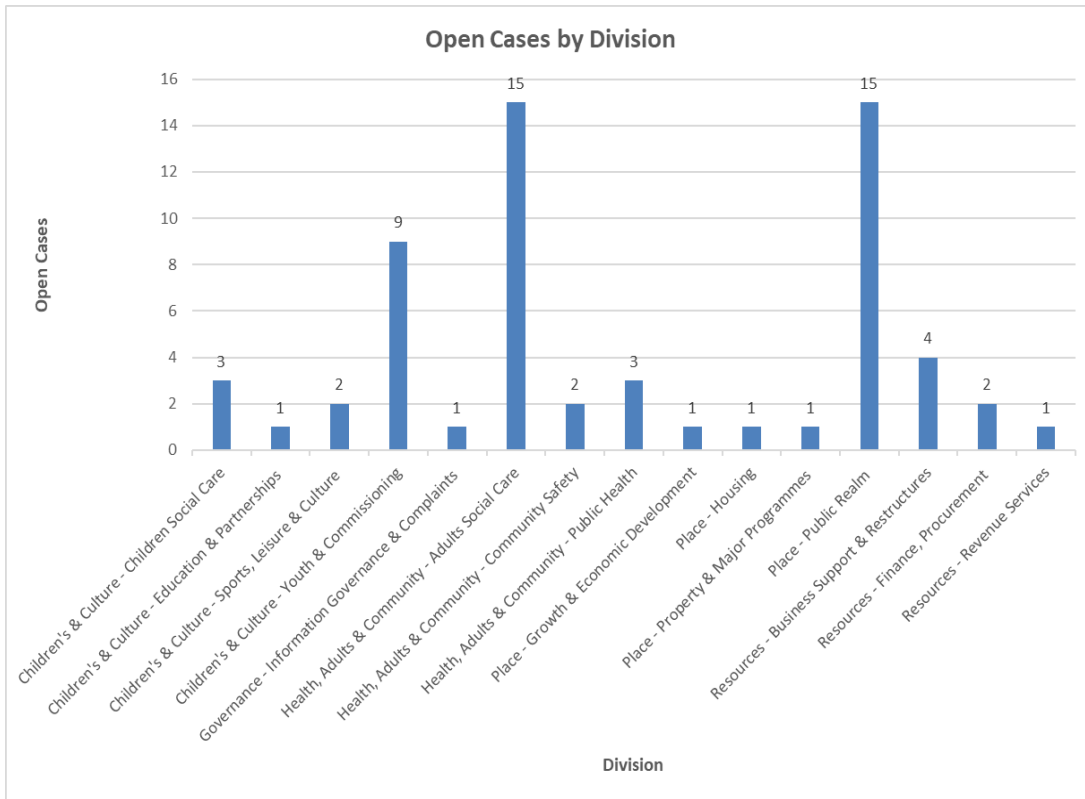
Within these specific divisions, it has been identified that the majority are grievance/CHAD cases, as shown in the bar chart below:

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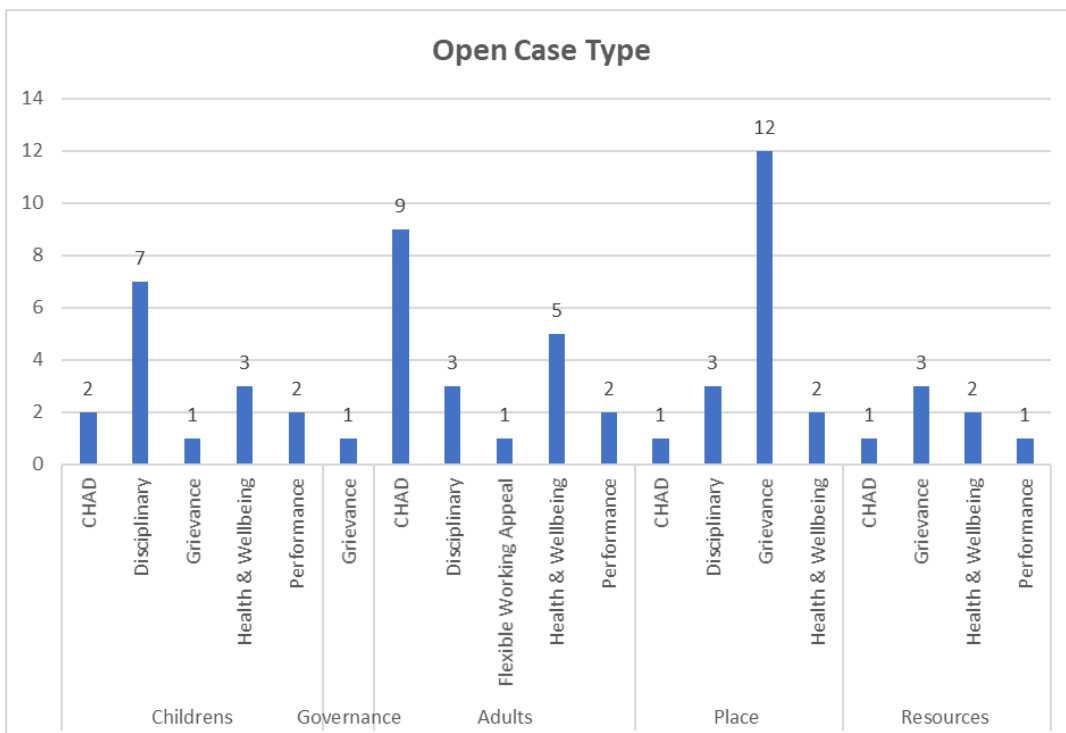
Looking at this data, we need to focus our resources in supporting managers to resolve grievances and CHAD complaints.

5.2 Closed Cases

On average the casework team is closing 6.9 cases a month. During the period 1st September 2020 to 24 March 2021, the Employee Relations and Engagement Team have closed 62 cases. This includes Health and Wellbeing cases where a formal monitoring period is in place, which the Employee Relations team continue to actively monitor. A breakdown of the closed cases by Directorate is shown below:
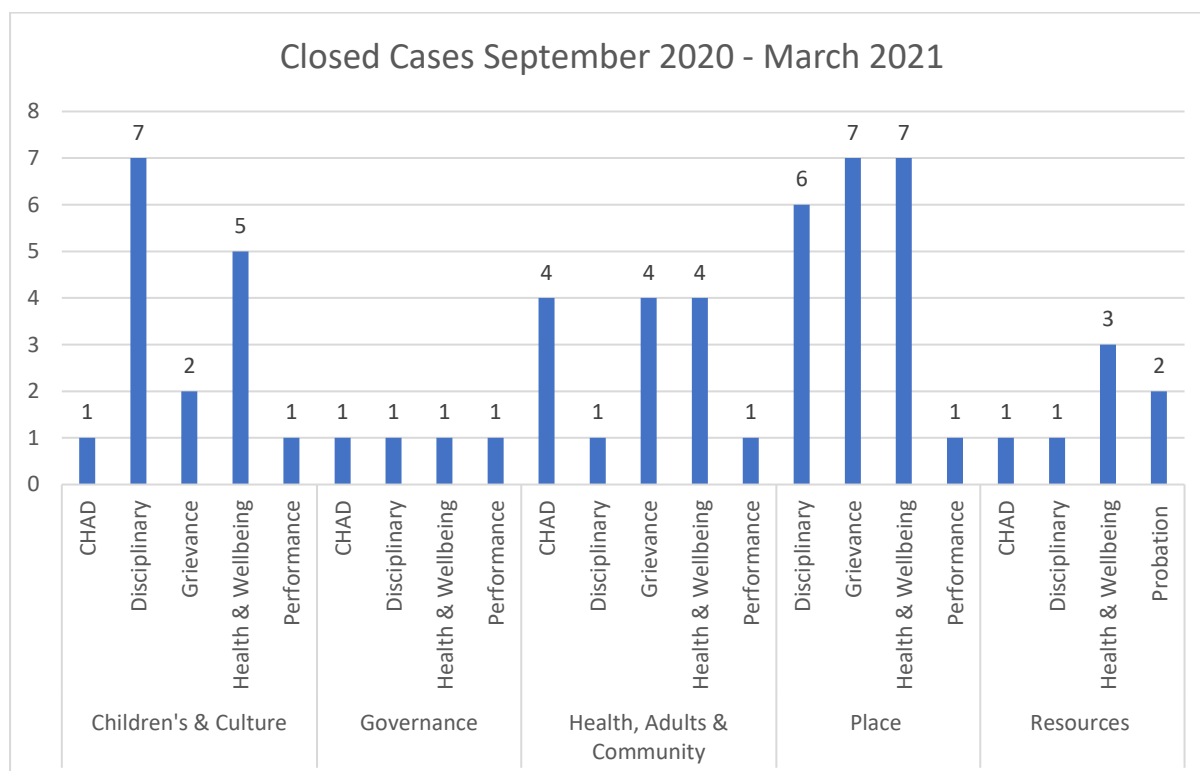
For cases that took 90 days or more to close (we define long term cases as those open for 90 days or more), the majority of these were Health & Wellbeing cases followed by Disciplinary and CHAD. The average length of time to close these cases in the period 1st September 2020 to 24th March 2021 was 234 days, however it is useful to split these cases into those that were opened prior to 1st September 2020 and those cases that were opened after this date. 22 cases closed during this period were opened after 1st September 2020. The time taken to close these cases was 60 days. 40 cases closed during this period had been opened prior to 1st September 2020. The time taken to close these cases was 330 days. This demonstrates that the Employee Relations and Engagement Team have actively worked to close long term historical cases and have significantly reduced the average time taken to close newly opened cases.

5.3 Equalities Data

It is perhaps too early to assess meaningful trends in casework against equalities data in the form of the protective characteristics of staff. What we know from the data of current open key areas of casework (CHAD, grievances, disciplinaries and health and wellbeing cases) is that 63% of cases involve men, which are predominately grievances (and mainly in Public

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Realm).   Amongst women, a significant number of cases are CHAD (which are evenly spread across Directorates, but with the most, (4), in Adult Social Care). 61.5% of disciplinaries involve men (evenly spread across divisions).

Regarding ethnicity, the data from key case types by sex, ethnicity and division, is a notable higher number of Bangladeshi men that have taken out grievances in Public Realm.

Information on disabilities is not significant.

Equalities data charts as at January 2021 are provided in Appendix 1.

The equality reports were produced on a monthly basis until January 2021 and will now be provided on a quarterly basis as the changes in data are often too marginal to be meaningful over a shorter timeframe, and, it is too early since tracking began to analyse the data for trends that may indicate any areas of potential discrimination. Additionally, the reports to date have reported on overall open cases, which is also changing. The quarterly reports will now focus on case type. This will enable better understanding of how staff are managed and whether there is a disproportionate impact upon protected characteristics and in which Divisions. As before, the reports will benchmark the data against all of the protected characteristics of the whole workforce.

5.4 Employment Tribunals

Some cases do result in claims being lodged with the Employment Tribunal. The senior ER team get involved in early conciliation with ACAS, to attempt to settle cases where appropriate, having fully assessed the risks of the case with the legal team. There is also now monthly reviews of submitted claims between the legal team and the senior ER team, and case conferences with managers to prepare any ET responses, including witness statements. This activity will be reported on in future.

6. Future Targets & Considerations

6.1 Future targets and considerations for the service are as follows:
- Target of 45 open cases by June 2021
- Report on the formal establishment of an in-house mediation service, looking to quickly and effectively mediate workplace relationship issues with a view to averting formal grievances
- Training of more investigators.
- Training for the wider HR team, including Business Support, for example on understanding contracts of employment and the importance of getting this right.
- Work with Public Realm and Adult Social Care management on addressing those hotspot areas and provide tools and techniques to assist managers in these services to effectively manage cases.
- Quarterly and annual casework equalities report to have an overview of trends to identify any potential discriminatory practices.
- To extend our analysis and understanding of work relationships, management practices and equalities by gathering and meaningfully assessing exit interview data.
- To further develop a programme of development for the ER team in effectively handling casework and for the wider HR team, including briefing sessions on policy development.
- To report on open ET claims, outcomes and any settlements.

Appendix 1

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Equalities Data
Equality breakdown of open cases as at January 2021

Key

← Slightly lower than workforce
→ Slightly higher than workforce
↓ Significantly lower than workforce
↑ Significantly higher than workforce

Equality breakdown of open cases January 2021

Race	Number of Cases	%	Greater or lesser proportion	Overall Workforce Data		
Asian	4	5.41%	←	Asian	276	5.98%
Bangladeshi	33	44.59%	↑	Bangladeshi	1186	25.71%
Black	18	24.32%	←	Black	954	20.68%
Missing/Decline to State	0	0.00%	-	Missing/Decline to State	186	4.03%
Mixed	3	4.05%	←	Mixed	126	2.73%
Other	0	0.00%	-	Other	68	1.47%
White	16	21.62%	↓	White	1817	39.39%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

Sex	Number of Cases	%	Greater or lesser proportion	Overall Workforce Data		
Female	30	40.54%	↓	Female	2721	58.99%
Male	44	59.46%	↑	Male	1892	41.01%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

Sexual Orientation	Number of Cases	%	Greater or lesser proportion	Overall Workforce Data		
Bisexual	0	0.00%	-	Bisexual	48	1.04%

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Gay	0	0.00%	-	Gay	75	1.63%
Heterosexual	56	75.68%	←	Heterosexual	3476	75.35%
Lesbian	0	0.00%	-	Lesbian	43	0.93%
Prefer to self-describe	0	0.00%	-	Prefer to self-describe	1	0.02%
Missing/Decline to State	18	24.32%	→	Missing/Decline to State	970	21.03%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

Religion	Number of Cases	%	Greater or lesser proportion	Overall Workforce Data		
Buddhist	2	2.70%	→	Buddhist	28	0.61%
Christian	21	28.38%	→	Christian	1477	32.02%
Hindu	1	1.35%	→	Hindu	51	1.11%
Jewish	1	1.35%	→	Jewish	28	0.61%
Missing/Decline to State	12	16.22%	→	Missing/Decline to State	739	16.02%
Muslim	35	47.30%	↑	Muslim	1304	28.27%
No religion	1	1.35%	↓	No religion	812	17.60%
Other	1	1.35%	←	Other	146	3.16%
Sikh	0	0.00%	-	Sikh	28	0.61%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

Disability	Number of Cases	%	Greater or lesser proportion	Overall Workforce Data		
Missing/Decline to State	13	17.57%	→	Missing/Decline to State	604	13.09%
No	54	72.97%	↓	No	3678	79.73%
Unaware	0	0.00%	-	Unaware	60	1.30%
Yes	7	9.46%	→	Yes	271	5.87%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

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Age	Number of Cases	%	Greater or lesser proportion		Age	Number of Cases	%
16 - 24	2	2.70%	→	16 - 24	82	1.78%
25 - 34	16	21.62%	←	25 - 34	876	18.99%
35 - 44	23	31.08%	↑	35 - 44	1192	25.84%
45 - 54	18	24.32%	←	45 - 54	1166	25.28%
55 - 64	14	18.92%	↓	55 - 64	1128	24.45%
65 - 74	1	1.35%	←	65 - 74	165	3.58%
75 - 84	0	0.00%	-	75 - 84	2	0.04%
85+	0	0.00%	-	85+	2	0.04%
Grand Total	**74**	**100.00%**		**Grand Total**	**4613**	**100.00%**

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