



**NORTH YORKSHIRE
FIRE & RESCUE SERVICE**

Human Resources - Disciplinary and Grievances

North Yorkshire Fire and Rescue Service

Internal Audit Report 2020/21

Business Unit: People Services
Responsible Officer: Head of People Services
Service Manager: People Operations Manager
Date Issued: 10 September 2021
Status: Final
Reference: 45510/002

	P1	P2	P3
Actions	0	1	2
Overall Audit Opinion	Reasonable Assurance		

Summary and Overall Conclusions

Introduction

People Services has been restructured as of 1 April 2021 to be the shared service for the Office of the Police, Fire and Crime Commissioner (OPFCC), North Yorkshire Police and North Yorkshire Fire Rescue Service (NYFRS). Services will be delivered through four themed areas: People Operations; People Partnering; Health & Wellbeing; and, Talent & Development. Human Resource (HR) casework will largely be supported through the People Operations function which aims to provide managers with professional support and expert advice to effectively manage, develop and support their teams.

Corporate policies and procedures are in place to guide both employees and managers when involved with a Discipline, Grievance, Performance or Attendance case. They are accessible to all employees via the internal handbook, the intranet and the internet.

Managers are responsible for following the procedures and adhering to specified timelines. The Human Resources (HR) department provides advice and guidance as required to support the consistent application of the policy across the service.

Current policies have been written reviewed by HR within NYFRS. When new legislation is released causing a significant change to a policy, a consultation period is entered into with unions and other senior management. Policies are periodically updated on a two yearly cycle.

Objectives and Scope of the Audit

The purpose of this audit was to provide assurance to management that procedures and controls within the system will ensure that:

- Policies and procedures to manage HR casework on disciplinary and grievances are fit for purpose and up to date
- HR casework on disciplinary and grievances are managed efficiently and in line with policies and procedures

Key Findings

We reviewed a sample of 5 HR discipline and grievance cases that had reached a conclusion. 4 cases were appropriately managed in line with the policy and an appropriate final decision was made and evidenced by the service. The sample of cases we reviewed also demonstrated that there was an appropriate level of involvement from managers and the HR function where required. HR discipline and grievance cases are allocated to managers by the HR Function who provide oversight and support, however the cases are handled by the allocated managers. All managers who may be involved in disciplinary action are trained and competent in the operation of the procedure. Responsibility for the appropriate level of disciplinary action must be in accordance with the relevant role may, the role of the manager and level of delegated authority.

We saw that one grievance case did not have documentation available to evidence the investigation that had took place and the conclusions reached. The correct steps were followed and evidenced up to an investigation plan being in place. The grievance raised was upheld and the HR advisor was aware of the steps taken to complete the case. Therefore the service many not be able to evidence the decision-making for the case. All HR casework should have supporting documentation to evidence the decision-making for the case is in line with the service's policies and procedures.

One discipline case we reviewed was not processed in a timely manner. Case D-3-20 commenced on 29 January 2020 and was completed on 7 September 2020. There were delays between the investigation report and the disciplinary hearing notification (73 days), and the discipline appeal hearing and the decision making rationale (41 days). No agreement or reason was evidenced for the delays. This may lead to appropriate disciplinary action not being administered in a timely manner.

We also saw performance management tasks for HR cases are routinely performed by the HR function. However, they are not formally defined and there are not set points in the process where a review or oversight is required by the HR function to ensure consistency and accuracy in managing HR casework.

The Service's Discipline and Grievance policies are aligned with the expectations outlined in the Grey book. The Grey book covers the national pay and conditions for operational and control staff of local authority fire and rescue services. However, the Discipline and Grievance policies still contain issues that may prevent them from being applied appropriately. Three issues identified in the Discipline and Grievance internal audit in 2019 have not been addressed. The issues are: there is some ambiguous wording within the Bullying and Harassment in the Workplace Policy; the Disciplinary and Grievance procedures do not state if timescales refer to working days or not; the Disciplinary procedures contains some inconsistent information.

Overall Conclusions

There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited. Our overall opinion of the controls within the system at the time of the audit was that they provided Reasonable Assurance.

1 HR casework supporting documentation

Issue/Control Weakness

One grievance case did not have supporting documentation to evidence the decision-making on the case.

Risk

The service is not able to evidence the decision-making of HR cases.

Findings

For every disciplinary or grievance cases there should be supporting documentation to evidence the decision made for the case. This entails documentation supporting each stage in the process and details of the officer(s) processing the stage, as well as the employees involved.

We reviewed a sample of 5 completed HR cases. One grievance case (G-2-20) did not have documentation available to evidence the investigation that had took place and the conclusions reached. The correct steps were followed and evidenced up to an investigation plan being in place. Also the grievance raised was upheld and the HR advisor was aware of the steps taken to complete the case.

All HR casework should have supporting documentation to evidence the decision-making is in line with the service's policies and procedures.

Agreed Action 1.1

All discipline and grievance cases will have all documents saved in the appropriate folder and these will be support by a case log, which will detail the action taken & date. This has been implemented as part of the new ways of working for Enable, to ensure continuity of service provision, as any member of people services should be able to refer to the log and identify case progress and essentially 'pick up' the case if required. Furthermore all cases are reported on for monthly progress reports to the Business Partners.

Priority

2

Responsible Officer

Head of People Services

Timescale

30 September 2021

2 Time to process HR casework

Issue/Control Weakness

One discipline case we reviewed was not processed in a timely manner. Performance management arrangements are not formally defined.

Risk

Appropriate disciplinary action is not administered in a timely manner.

Findings

Time limits applicable to some of the different stages of the discipline procedure are set out in the guidance. These may be varied by mutual agreement.

There were delays in completing 1 case in the sample we reviewed. Case D-3-20 commenced on 29 January 2020 and was completed on 7 September 2020. There were delays between the investigation report and the disciplinary hearing notification (73 days), and the discipline appeal hearing and the decision making rationale (41 days). No agreement or reason was evidenced for the delays.

Performance management tasks for HR cases are routinely performed by the HR function. However, they are not formally defined in the service's policies and procedures. There are not set points in the process for managing disciplinary and grievance cases where a review or oversight is required by the HR function to ensure consistency and accuracy in managing all cases.

Agreed Action 2.1

There are a number of SLA's being introduced for casework which will be monitored and reported on, such as assessments to be completed in 5 working days. In addition the case logs which have been introduced will record all action, but also identify delays and the reasons for them. Furthermore as stated previously all cases are reported on for monthly progress reports to the Business Partners, exceptions such as delays would be recorded.

Priority

3

Responsible Officer

Head of People Services

Timescale

31 March 2022

3 Discipline and Grievance policies

Issue/Control Weakness

An internal review and consultation of the Discipline, Grievance and Bullying & Harassment policies has not resulted in previously agreed actions being completed.

Risk

Discipline and Grievance cases are not managed appropriately.

Findings

An internal review and consultation of the Discipline, Grievance and Bullying & Harassment policies was due to take place during 2020. Due to the wider impact of covid-19 restrictions on working practices and priorities, as well as, the impact of the re-structure with Enable being formed, the review and consultation was not fully completed. Consequently, the policies still include three issues identified in the Discipline and Grievance audit performed in 2019. The matters that have yet to be addressed are:

- There is some ambiguous wording within the Bullying and Harassment in the Workplace Policy.
- The Disciplinary and Grievance procedures do not state if timescales refer to working days or not.
- The Disciplinary procedures contains some inconsistent information.

The full details of the three findings raised have been shared with the Head of People Services and People Operations Manager.

Agreed Action 3.1

The previous audit findings will be incorporated into the review of policies and procedures which is being completed as part of the People Services Strategy.

Priority

3

Responsible Officer

Head of People Services

Timescale

31 March 2022

Audit Opinions and Priorities for Actions

Audit Opinions

Our work is based on using a variety of audit techniques to test the operation of systems. This may include sampling and data analysis of wider populations. It cannot guarantee the elimination of fraud or error. Our opinion relates only to the objectives set out in the audit scope and is based on risks related to those objectives that we identify at the time of the audit.

Our overall audit opinion is based on 4 grades of opinion, as set out below.

Opinion Assessment of internal control

Substantial Assurance	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable Assurance	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
Limited Assurance	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

Priorities for Actions

Priority 1	A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.
Priority 2	A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management.
Priority 3	The system objectives are not exposed to significant risk, but the issue merits attention by management.

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