

ANNUAL REPORT ON EMPLOYMENT TRIBUNAL CASES BROUGHT AGAINST THE CHIEF CONSTABLE

SUMMARY

1. This report constitutes the annual submission of information to the Authority on the number and current status of Employment Tribunal cases brought against the Chief Constable since 1st June 2006. This report is submitted in accordance with the Protocol for the provision of information on Employment Tribunal cases which was approved at the Committee's meeting in July 2006.
2. The period subject to the report submitted last year was the year ending on the 31st May 2006. This current report covers the period from the 1st June 2006 until the 28th February 2007. The subsequent reports will be for the year ending the 28th February.

REPORT

3. The report for the period referred to above is set out at Appendix 1 for Members' scrutiny.

EMERGING TRENDS

4. In the previous report submitted to the Authority on the 28th June 2006, reference was made to an increase in the number of Disability Discrimination Act claims which had been received in the aftermath of the extension in October 2004 of the provisions of the Disability Discrimination Act 1995 to cover police officers. The last 12 months has seen no new claims being filed in relation to allegations of disability discrimination which might suggest that claims which had been in the pipeline prior to the extension of the Act to cover police officers have now worked their way through the system.
5. Again, as anticipated in the previous report to the Authority, the Employment Equality (Age) Discrimination Regulations 2006 came into force on the 1st October 2006. As yet, we have seen no claims presented in relation to these new Regulations.
6. In the year to the 31st May 2006, six Employment Tribunal cases were commenced against the Chief Constable. In the period from the 31st May 2006 to the 28th February 2007, three cases have been issued. One of these claims has been made by an external candidate for

appointment to Humberside Police, meaning that only two Humberside Police officers have issued proceedings within this period. There have been no proceedings issued by police staff during this period.

RECOMMENDATIONS

7. It is recommended that Members of the Committee:
 - (i) Scrutinise the Employment Tribunal case information provided in this report

TIM S HOLLIS
Chief Constable

Contact Officers: Stephen Hodgson Telephone: (01482) 578162

Background Papers: None

EMPLOYMENT TRIBUNAL CASES COMMENCED/CONCLUDED IN THE PERIOD 01/06/06-28/02/2007

APPENDIX 1

CLAIMANT	POLICE/SUPPORT	LOCATION	GENDER	ETHNICITY	TYPE OF CLAIM	DATE OF COMMENCEMENT	GROUNDS OF CLAIM	CONCLUDED/ONGOING	DATE OF CONCLUSION	MEANS OF CONCLUSION	CURRENT POSITION
'F'	P	'D'	F	W1	Sex discrimination	15/08/05	The claimant returned to work after maternity leave and believed that she had agreed flexible working hours, which she claims were then changed without appropriate consultation. This case is linked to that of claimant 'G'.	Ongoing			The Employment Tribunal proceedings have now been stayed, with the consent of the Tribunal, for approximately 12 months. In November 2006, the parties attended mediation where some progress was made. The matter was not entirely resolved and the Claimants elected to proceed to Stage 2 of their grievance which was concluded in March 2007. We now await an indication from the Claimants as to whether they intend to progress the matter.
'G'	P	'D'	F	W1	Sex discrimination	15/08/05	The claimant returned to work after maternity leave and believed that she had agreed flexible working hours, which she claims were then changed without appropriate consultation. This case is linked to that of claimant 'F'.	Ongoing			The Employment Tribunal proceedings have now been stayed, with the consent of the Tribunal, for approximately 12 months. In November 2006, the parties attended mediation where some progress was made. The matter was not entirely resolved and the Claimants elected to proceed to Stage 2 of their grievance which was concluded in March 2007. We now await an indication from the Claimants as to whether they intend to progress the matter.

'I'	S	'A'	M	W1	Unfair Dismissal	18/05/06	The claimant has issued proceedings alleging unfair dismissal. He claims that he has been constructively dismissed because of the way the Force and the Police Authority have dealt with a number of grievances he has made over the past 4 years. A full response has been filed on behalf of the Chief Constable and the Police Authority.	Ongoing			In January 2007 a Pre-Hearing Review before the Employment Tribunal resulted in the Claimant being permitted to proceed with his claim but he agreed to withdraw the claim against all named Respondents other than the Chief Constable. The Police Authority is therefore no longer a Respondent in these proceedings. The Tribunal has ordered that a number of medical reports be commissioned and these are currently awaited.
'J'	P	'D'	F	W1	Sex Discrimination (failure to consider a request for flexible working)	20/10/06	The Claimant was a police officer who resigned in September 2006 with 11 years service. She had sought a transfer from her previous posting in which she worked flexible hours. The Claimant approached a number of individuals within different Divisions to find an appropriate posting. She contends that she was not provided with an appropriate flexible working arrangement and/or the arrangement that she had agreed was subsequently rescinded. A full response has been filed on behalf of the Chief Constable.	Ongoing			The matter has been listed for hearing in June 2007. The parties are currently involved in exchange of documents and witness statements.
'K'	S	'D'	F	W1	Sex Discrimination	11/12/06	This Claimant is currently absent from work due to illness and is in receipt of no pay. She originally issued Employment Tribunal proceedings in 2003/2004 alleging sexual harassment at the hands of a male officer and that in the Force's handling of this matter she had been dealt with less favourably. The matter was subject to mediation in September 2004 as a result of which the officer received a compensatory payment. The matter appeared to have been compromised. However, the Claimant alleges that the terms of that mediation have not been fulfilled. The Chief Constable denies this and has encouraged the Claimant's return to work. The Claimant has now issued further Employment Tribunal proceedings once more claiming sex	Ongoing			The matter was subject to a pre-hearing meeting on the 23 rd March. The Tribunal has timetabled the case for a 15 day hearing in September 2007 unless the matter is compromised prior to that date.

							discrimination arising from the failure to resolve her earlier claim.				
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'L'	P	Applicant for a post with Humberside Police	F	W1	Sex Discrimination	04/07/06	The Claimant was an external candidate at an Assessment Centre. The Claimant was unsuccessful and has claimed that the structure of the questions within the tests used within the Assessment Centre placed female candidates at a disadvantage compared to male candidates. The Chief Constable has filed a full response to this allegation.	Ongoing			Various experts' reports are being obtained. It is anticipated that a further Case Management Conference will take place shortly.
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EMERGING TRENDS

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Stephen Hodgson
Head of Legal Services

26th March 2007