

### Case Study

#### **Royal English Society for the Protection of Endangered and Chelonia for Tortoises, Terrapins and Turtles (RESPECT)**

##### **Fact Set 1**

You work in the HR team for RESPECT which is a medium sized charity with around 1,000 employees. The organisation is facing tough times with reduced government funding and there are discussions about a possible merger with a larger charity. The staff are aware of the financial situation and that redundancies may be looming in the near future.

**Fiona** – Fiona, 35, was appointed by the organisation (around a year ago) as the new Finance Manager. She is new to the voluntary sector (having carved out an excellent career in the private sector) and has been brought in to troubleshoot and bring the organisation back to profitability. She is the youngest member of the SMT Board of Trustees. She has a reputation for being fairly dogmatic and operating at a frenetic pace. You are aware that there have been a few informal complaints made about her management style. The complaints have included her being condescending and extremely demanding. Further, staff members have complained about her tendency to micro manage. Within the space of a year, her efforts have resulted in increased profitability and she is well respected by the other members of SMT.

**Devak** – Devak, 57, is a loyal employee with 15 years' service. He is the charity's Financial Controller. His work is detailed and thorough but has received criticism for taking too long to do his work. He has historically been a good performer scoring 4 out of 5 on his last 3 appraisals. However, when he does not have enough time to complete tasks to his level of satisfaction he becomes anxious. He is, however, considered an asset because of his in-depth knowledge of the charity's operations and the meticulousness of his work. Fiona considers that Devak is underperforming and has downgraded Devak's performance to a 2 (not meeting expectations). In line with RESPECT appraisal procedure, Devak is put on a performance improvement plan and Fiona has prepared performance objectives for the next six months. Devak felt forced to agree to Fiona's proposed objectives despite this significantly increasing the amount of work he has to complete (he has absorbed tasks of a junior cashier following a restructuring exercise). Devak finds Fiona's management style abrasive and takes offense to her throwaway comments along the lines of a tortoise could do things quicker and that Devak needs to get with the times and work faster. Devak is becoming increasingly stressed and is making mistakes because he is required to carry out an increased number of tasks within what he considers to be too short a timeframe. Devak has now been signed off with work related stress with a doctor's note. He calls you in the HR team, what do you do next?

## **Fact Set 2**

Following your conversation with Devak he seeks legal advice and three weeks later he submits a grievance mentioning a number of scenarios which he claims amount to bullying. Devak requests to see all documents in RESPECT's possession in which his name is mentioned as he thinks that the performance management is a "sham" designed to "get rid of him". Devak believes he is being targeted because he is earning a lot more than his peers and RESPECT is trying to get rid of the older and more expensive members of staff. He also alleges that he is disabled and that the stress and anxiety has been ongoing for over a year.

By this point Devak's contractual sick pay has expired. You have notified him that he will now receive SSP and he says he is prepared to come back to work.

## **Fact Set 3**

You investigate Devak's grievance and interview members of the team who say that at times Devak has refused to follow Fiona's instructions and that she has confided in the team and asked for advice on what to do next. Other say that Fiona is too heavy handed and aggressive, and that several members of the staff are disgruntled with her approach namely that she isn't interested in the turtles, only the money.

You uncover a number of inappropriate emails which have been sent from Devak to Fiona referring to "not the way I would have done it in my day." Further, you become aware of Devak sending emails to other members of staff in which he is very critical of Fiona.

Fiona is very upset by what has transpired and feels that she can no longer work with Devak given that he has sought to undermine her to colleagues.

## **Fact Set 4**

The grievance procedure is concluded. Devak's complaint regarding Fiona's management style is partially upheld but the rest of his complaints (particularly in relation to RESPECT seeking to dismiss him or being discriminated against on the grounds of his disability) are rejected. A month later Devak issues his claim and in the meantime an Occupational Health report comes back which would suggest that Devak is not disabled. He has remained off work on statutory sick pay and one of his team members say that he was spotted working at a Pet Rescue Centre while he was off sick. You also hear a rumour that he went on holiday to Spain to help a local centre with the birthing of turtles. What do you do next?